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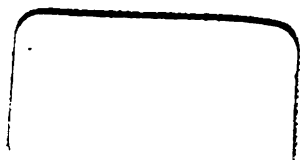
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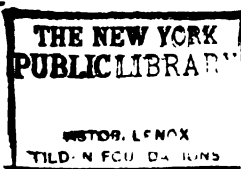
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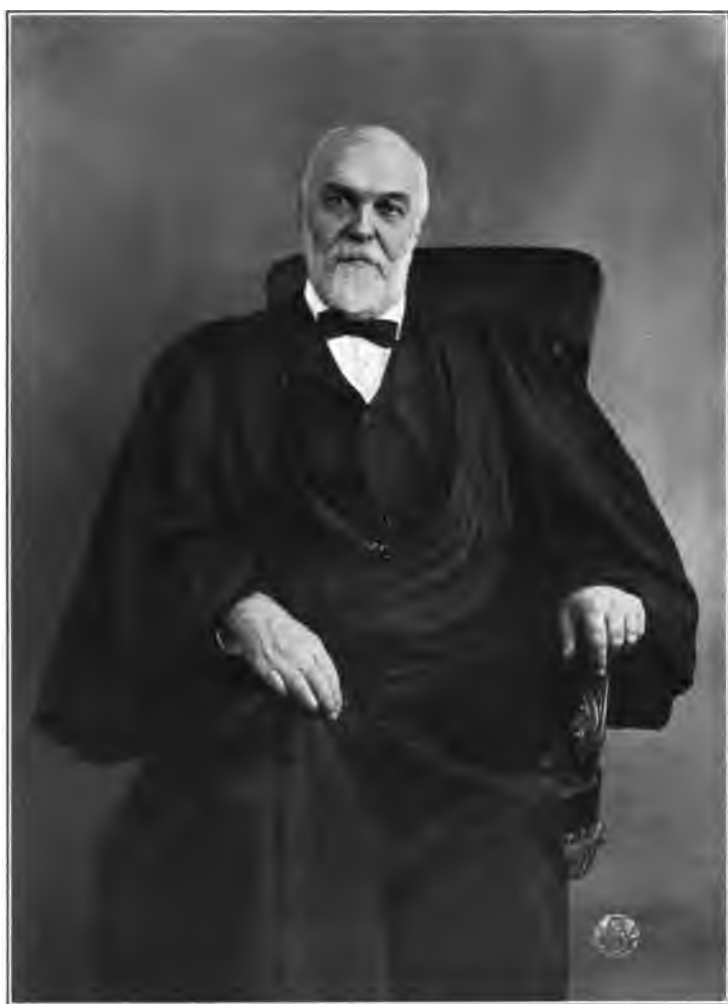


**AUTOBIOGRAPHY**  
**WITH**  
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# AUTOBIOGRAPHY

## REPORTS AND DOCUMENTS

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# AUTOBIOGRAPHY

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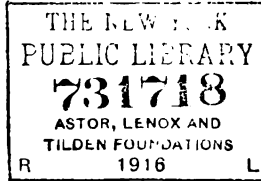


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## INTRODUCTION

Every book should have an introduction, and for that reason I write one for this book. Such productions are generally a stately address to the public, giving the scope and purpose of their publication. As this book will have no reading by the general public and have no scope, I need therefore only deal with the purpose of its publication. The statement of this might with propriety be omitted, except that the original design, which was to issue it for strictly family circulation, has been departed from, and a few extra copies are to be printed for those personal friends who may take a friendly interest in me. It is with this latter class of readers that I am now trying to talk. It is to each of you who may read these lines that I wish to offer a few words of explanation as to how I came to prepare this volume.

For the purposes of this work you are taken into the private confidences of the family. And now, if I have succeeded in establishing the proper relations between you and myself, I will tell you all about how I came to prepare this volume and the purposes of it. I am emboldened to take you thus into my confidence by the hope that it will remove from your mind the idea, if it is lurking there, that I am conceited enough to think that anything I have ever done or written is worthy to be preserved. You will see by my statement how an innocent idea can grow and strengthen until a prudent man is carried along to a posi-

tion which he would not have entertained for one moment at the outset.

It happens that at various times in my life I have written articles upon diverse subjects, many of which have been printed in pamphlets. Many years ago I promised my wife and children that I would look over my papers and gather together such as I could find and bind them up in a somewhat orderly and permanent form. Had I attended to this matter at the time, my family would have been contented, and I would have been saved much trouble now. Within the past few months I undertook to fulfil my long-deferred promise. I found my papers in bad condition to bind. The suggestion to print them again was made, and to this I assented. Then came the suggestion that I preface the papers with an autobiography. Against this I protested again and again, and then yielded. What a common experience this is for mankind! How often men have been obliged to explain their position just as I am now doing, because they have yielded to the influence of others! There are two sides to this reflection. It must not be forgotten that the influence of others often saves us from many blunders, if not something worse. Having consented to the autobiography, I entered upon the work with misgivings and no little protest against the propriety of it. I have found comfort in the reflection that it is not to be read by the public, but by my family and by you, my friend.

This reflection has emboldened me to write many things that I would not otherwise have written. What is an autobiography, after all? It is only the story of how one grows and what one does from his own standpoint. I have put down the story of my life just as I recall it. I have endeavored to give my personality in outline in these

pages as it appears to me. If you read it, remember always it was written primarily for my family, and that I yielded to the latter when it was suggested that it would be well to print a few extra copies for friends. That is the way it happens that you are permitted to read the uneventful story of my life, put down with the license and liberty of the family circle.

In the preparation of this account of my life, memory has given up many incidents long since generally forgotten. I have found pleasure in recalling them. Such incidents have been the experience of thousands of country boys. They are trivial and commonplace, yet they left their impress upon me. As I recall them I can now understand that they helped to form my character, such as it is.

Everything is important to a boy. Character grows in a boy by the force and nature of his environments. I had no great temptations of an evil nature. I had no great trials or deprivations. I just grew with healthy, wholesome influences around me, with no luxuries and limited opportunities. I was hungry and eager for knowledge, and by the aid of books acquired such learning as I craved, without much guidance and with little assistance. I grew mentally as I read, because I enjoyed it. It was luxurious freedom from all restraints of rules or tutors, investigating much or little of any subject my fancy might desire. What would have been the effect upon me of a course of regular education, I have often asked myself. The question is easier asked than answered. I do not know the answer. I simply grew, as I have endeavored to show in this autobiography.

New York, December 4, 1901.



## **AUTOBIOGRAPHY**



## CHAPTER I

### BOYHOOD DAYS

My family was an ancient family, as such things are reckoned in this country. I am the seventh lineal descendant of Robert Hinsdale, who was one of the founders of Dedham, Massachusetts. The ancient records of that town show that he was prominent there as early as 1630. The family was undoubtedly of French or Lowland origin. The name figures extensively in church and state matters affecting eastern Continental Europe since about the twelfth century, but no trace of the name can be found in the British Islands.

I was born on the fourth day of December, 1831. When I got old enough to observe things around me, I found I had been ushered into life in a very respectable framed farmhouse in the town of Le Roy, Genesee County, State of New York. This town was situated on the old line of turnpikes and highways that formed the stage-coach line between Albany and Buffalo. The particular farmhouse referred to was two miles west of the then flourishing village of Le Roy, Western New York. At a time not long before my birth that country had been covered with a dense growth of forest trees. The trees were thick, tall, and straight, very many of them of respectable size, from three to seven feet in diameter. At the time my observations began the early settlers had felled patches of those noble trees, had built log-houses and log-barns, with an occasional framed house like that belonging to my father.

The soil of the country was of exceptional fertility, and yielded rich reward to the labor bestowed upon it. My early life was spent in that period of not exactly frontier life, but of transition of a partially subdued country to that of one of the most beautiful garden spots of the world. It was a wonderland of transformation to me, from almost primitive wildness to a high state of rural cultivation. I imagine that such surroundings to my boy life had great influence in forming my character.

My home was surrounded by a young but vigorous orchard of apples, pears, peaches, and plums. On the opposite side of the street, on our nearest neighbor's farm, the forest had been cut down, but sturdy stumps covered the whole field. In the depressions of the soil pools of water would gather in the winter, and, when frozen over, furnished me fine skating. All the surrounding country had large tracts of virgin timber, in which animals and birds and all sorts of creeping things lived and flourished, as their kind had done for countless ages. These forests were a perpetual source of interest and pleasure to me in my boyhood days. I was allowed a larger latitude to roam there than fell to the lot of most boys. When I was about three years old I had scarlet fever. I was told that my life was despaired of. On my recovery I was such a sickly child that every indulgence was given me until I was about eight years of age.

I cannot say that I studied anything. The meaning of the word study was hardly known to me then. I just enjoyed everything. The tall and stately trees awed me; the music of the birds charmed me. From the first budgings of leaves and wild flowers in the spring to the falling of the ripened nuts and withered leaves under the blighting influence of the autumn's frosts, every stage of the



mighty panorama was interesting to me. I did not understand it. I do not think I wanted to understand it. All I wanted was to observe and feel it. I learned to know the order in which birds return after their winter's wandering. I observed that certain birds returned to the same place to build anew their nests. Their music and calls were familiar to me. I never can forget the thrill of pleasure it was to me when I first heard the meadow-lark, with its burst of music from the ground, start upward with joy and delight in every note to greet the light of the sun just beginning to tinge the eastern sky. It was yet so dark I could not see the bird, but the burst of music from the ground continued upward and upward with thrilling effect. No other bird had yet sounded a note. Nature was in that state of awful stillness that immediately precedes the awakening of a new day. Let no one ever expect to hear this almost divine Nature's song unless he is present in still meadow-land before the early dawn of a summer's day. Even then it is not often that he will hear it. In those days I knew where the largest and best wild berries grew; I knew the wild vines that were poisonous, and the nuts and roots that could be safely eaten. Wasps' nests and wild honey-bees' nests were often attacked by me, when a most interesting contest would ensue between myself and the occupants of these nests, in which I regret to state that the spirit of truth which pervades this narrative compels me to admit that in some instances I came off second best.

Thus in my early childhood I grew as wild and natural as did everything about me. I was a typical country-born boy, greatly interested in the things in sight, knowing nothing of the things out of sight. My home was plain, but for the place and times there was an air of culture

and refinement in it. My parents were Connecticut people, who brought with them the sterling principles of the people of those times. They were devoted to the doctrines and teachings of the Presbyterian Church, and, as may be inferred, I received constant admonition in the principles of religion and morality. Every morning after breakfast the family and servants were assembled for the reading of a chapter in the Bible and family prayers. I can but think that such a practice is of the highest value in moulding the character of a child.

At the age of about eight years my health improved, and I became a sturdy and healthy boy. From that time to this date I have been strong and vigorous, with only occasional short periods of sickness. I have always believed that my early free life laid the foundation for a healthy body that enabled me, as my life progressed, to perform a great amount of mental work. I do not know just when I was first sent to school, but, as near as I can recall it, it was at about the age of eight years.

This was very irksome to me. The longing for the woods was intense, and, in spite of all my good resolutions, I would run away from school and spend my time with the birds and squirrels. It was with a stinging consciousness of guilt that I would return home, to be admonished again and again of the wrong I was doing, and with real earnestness and great fervency I would promise not to offend again. How true it is that boy nature is only a type of mature manhood! The spirit was willing, but the flesh was weak. The attractions of the woods were too much for me, and, after a prolonged sufferance and indulgence of my waywardness, paternal duty required the repeated applications of a remedy of which I do not care to speak at this time.

## CHAPTER II

### SCHOOL DAYS

As I have just stated, I was sent to school at about the age of eight years. It was a real old-fashioned, typical country common district school. The building was just across the street from my father's house. It was a square stone building, one story high, with one room for all school purposes. The long benches and desks were arranged around the room, each succeeding row slightly raised, until the last row was next the wall. In front of the inside row was a low wooden bench, fastened to the straight backs of the inside row of desks. This inside bench was for the small children. I recall that the bench was so high my feet could not touch the floor, and the straight back was much above my head. The arrangement of the desks was such that it left a square space in the middle of the room, where all the classes were lined up for recitations, standing in a line in front of the little children. In the middle of the space, in the winter season, was a square box stove, that had to be kept at a high temperature to warm the room sufficiently for scholars on the back seats. The school hours in the morning were from nine o'clock until twelve o'clock, and in the afternoon from one o'clock until four o'clock, with a short recess each forenoon and afternoon. I recall to this day the intense weariness of those days. I was called up twice each day to recite what was called a lesson—once in the forenoon

and once in the afternoon. I had an intense disgust for the arrangements and the whole proceeding. I suffered it for three years because I had to. In the winter season all the older boys attended the school, and we had a man teacher. In the summer we had a woman teacher. The attendance was less then, and we were more comfortable. In the winter the attendance was often over sixty pupils, of all ages and grades, in that one small room. No wonder memories of my first two or three years of school life are only those of torture and discontent. However, I did make some progress. The summers were much more tolerable than the winters. It is a pleasure to recall one teacher, Miss Mary Richardson, who is still living, who says she taught me my A B C's. I do not remember it, but she is, no doubt, correct. I must have made some progress in the first three years, for I was allowed to sit on the back seats instead of the front bench, where I had suffered so much torture. The first study that I recollect feeling any interest in was arithmetic, when I was eleven years old. It seems to me this was the first awakening of my intellectual faculties, or perhaps I should say it was the first movement in book learning that furnished its own stimulus of pleasure in study. Of course I had been taught the rudiments of knowledge in the usual fundamental lines. In mathematics I found a mental pleasure that soon carried me along at a rapid rate, regardless of teachers and classes.

At about the age of twelve years I was a big, strong boy, and was withdrawn from school in the summer season and put to such work on the farm as was suitable to my age, but was continued in school during the winter season. At the age of fifteen I had made such progress that the district school was of no more service to me, and

I was permitted to walk two miles to the village academy for three winters, and that ended all the aid I ever received from schools and teachers in getting an education. The three disconnected terms in the village academy aggregated from ten to twelve months of attendance. I do not feel that I am greatly indebted to schools and teachers for such education as I have. Yet they were of great aid in waking up my faculties until they moved of themselves in the irregular lines that I shall detail in another chapter. My father was very proud of me, and often talked of sending me to Yale College. Visions of this possibility dazzled me for a number of years, but financial difficulties, that do not concern this narrative, prevented it. The struggle for knowledge had to be made alone, with only such fortuitous helps as came in my way.

## CHAPTER III

### INCIDENTS OF MY CHILDHOOD

As I have stated before, my home was on the stage route between Albany and Buffalo. The passing of the old stages each way daily, with their four horses, the drivers cracking their long whips to touch up the leaders, and sometimes blowing their tin horns, impressed my childish mind as the grandest thing in the world. I learned by experience that if I stood by the roadside and held up ripe apples in my little hands the drivers would pull up their grand teams and reach down and take the apples from me with great pleasure. I remember one driver, named Mike, who was very gracious to me, and often asked me to climb up and drive with him, often as far as the village, two miles away. The first distinct ambition that I recall as formed in my mind was to be a stage driver. Mike used to talk with me about it in a kindly way. I don't think any resolution in my mind was ever more firmly fixed than that was. After the lapse of a few years a railroad was built through the town, and the lines of what is now the New York Central Railroad were extended to Buffalo, and the stages were withdrawn from the route by my father's house. This was a great sorrow to me, but I was greatly impressed by the exalted and commanding position of a conductor of a train. To hear him sing out the familiar "All aboard!" then wave his hand to the engineer as a signal for the train to move from

the station, and then swing on to the moving train as it sped away out of my vision seemed to me a little grander than the position of a stage driver. So my ambition took up this new fancy, and I dwelt for years on the coming time when I should be a railroad conductor.

A "general training" of my boyhood needs a few words of description for those who are not old enough to recall those days. All men within certain age limits were obliged to belong to a military organization. They were organized into companies, and these companies were formed into regiments. They were the militia organization of the State. At one time they were undoubtedly seriously conducted, and were regarded as an important arm of defence for a free people. The long peace since the war of 1812 with England had so weakened the general military spirit that at the time of my childhood the whole system was a howling farce, and was soon thereafter wiped out of existence, and our present system of uniformed militia was substituted for it. The annual general training of the regiments was still in existence in my boyhood in the autumn of each year. The men were assembled in companies, but without uniforms, bearing such arms as they possessed, whether a shotgun or a rifle, or perhaps the old arm of their revolutionary fathers. At the time I speak of, the demoralization was such that the young men vied with each other in their costumes of old hats and queer clothing. The whole proceedings were a rollicking outing for a day's sport. The music was dispensed by a drum and fife band gathered from the towns of the county, the members of which probably never played together except on these annual musters. The band was not uniformed, and was without any apparent leader. The drummers pounded away furiously, the prin-

capital one in the estimation of the small boys being the short, portly man with the bass drum. The fifes kept up a constant discordant, shrill noise. It was with such martial music that the motley crowd, after assembling on the village green, marched to the field for drill and training.

To the small boy this outing was looked forward to with great expectations of delight. The grounds were surrounded with all sorts of places of amusements, fake sales, and booths for the sale of sweet cider and gingerbread.

On one of these occasions, in the morning, my father surprised me by giving me a silver half-dollar for spending money. I had never had so much money before, and I walked to the grounds revolving in my mind plans for disposing of it. Of course a limited amount of gingerbread and sweet cider was to be purchased, but the balance was what bothered me. In walking around the grounds my attention was attracted by a glib-tongued auctioneer, who was selling what he said was a rare work of art, a flaming red picture of the great fire in New York. As I had heard all about the great fire, I thought such a treasure ought to be secured for the family at home. I commenced bidding on the picture, and soon reached the limit of my capital, when it was knocked down to me at fifty cents, the auctioneer declaring that he was giving me the treasure. I carried the picture around with me all day, and when I got hungry and thirsty had no means of gratifying my wants, and went home hungry. When I reached there my work of art was severely criticised, and I went to bed with a heavy heart. I became satisfied that I had been lied to and deceived by that auctioneer. I never wanted to look at the picture again. The thought that a mature man and an auctioneer would so deceive a



boy sank so deeply into my mind that I have never purchased a thing at auction since that day. I have never felt that I could trust the auctioneer's statements.

I have often wondered if that act of improvidence was not a manifestation of a propensity to improvidence that has plagued me to this day.

My father was an ardent Whig and a believer in that great leader Henry Clay. When Clay was nominated for the presidency in 1844 against James K. Polk, the Democratic nominee, my father was active and earnest in promoting Clay's canvass. He used to take me to all the Whig meetings, although I was only a little over twelve years of age. I recall that at one time in this canvass a large wagon was fitted up in a gorgeous style to form part of a procession to attend a mass meeting to be held in a neighboring town. There were ten or twelve horses hitched to the wagon, and a small boy was placed on the back of each horse to ride to the place of meeting, I being one of the number. Our horses were decorated with flags and ribbons, and the boys were all furnished with gay uniforms. Judging from the applause we received, we must have presented a gay appearance as we rode along, our wagon filled with men shouting and waving banners. When we arrived at the field, I did not go to play with the other boys, but worked my way to the front of the open-air meeting to a position just under the edge of the platform where the speaking was to take place. Boy as I was, I listened with absorbing interest to every word said. The principal speaker was N. K. Hall, who was later in life appointed a judge in the United States Court by President Fillmore. After a severe arraignment of the Democratic party, he declared that you "could take any principles, no matter how bad they might be,

and wrap the American flag around them and label them Democratic, and the Democrats would swallow them"—not a bad description of the masses of the Democratic party of this day.

The two principal issues in 1844 between the Democrats and Whigs were the annexation of Texas and the protective tariff, although the slavery question was an important factor in the canvass, made such by the small but aggressive Abolition party. The Democrats favored the annexation of Texas, the Whigs opposed the measure. I recall that the national flag of the Democrats carried down among the stripes a small square patch of blue with a single star in it, symbolically representing Texas, called the Lone Star State, struggling to get up into the larger blue field of the flag, with the stars there representing the several States of our Union. At a meeting in my native village addressed by James S. Thayer, who was afterwards a shining light in the Democratic party, he represented the Democratic party as a ship at sea on a dark, tempestuous night, just ready to founder, with only one lone star by which to guide its course. I recall in the same canvass a speech of Senator Truman Smith, of Connecticut, on the tariff question. He dwelt upon the effect of the tariff on the wool industry, and had various samples of wool to exhibit, illustrative of some of the phases of his discussion. I have noted the circumstances of these political meetings as indicating an early interest in political questions when I was less than thirteen years old, and which in mature life have engaged much of my attention.

One day my father told me he wished me to go on horseback to a stage tavern about three miles away to get a letter. He had an excellent habit of explaining everything to me, and the reason of this mission was told me.

It seems that after the Revolution, and for some time in the early part of the nineteenth century, there was no, or a very inadequate, mail service for Central and Western New York and for the country farther west. It seems that when the friends at the old homes in New England wanted to communicate with those who had gone into the wilds of Central and Western New York, they had a novel custom of sending letters that was almost universally adopted. If any one was going to any part of the western country it was so important an event that it was the town talk. At once everybody wrote letters to his friends and gave them to the traveller. He would carry them as far as he was going towards the destination of the letters and place them in a letter-rack found in every stage-house of those days. There they would remain until another traveller—any stranger—would look over the rack and select any letters going in the direction of his journey. If he was not going as far as the destination of the letters, they would be again placed in the rack of the tavern for some other stranger to give them another advance towards their destination, until finally each letter would reach a rack near its destination. I rode proudly to the old stage-house to receive this last letter that ever reached my father's house in this primitive manner. I remember feeling impressed with the importance of the mission. I had never been alone on horseback so far from home before. I rode up to the wayside inn, and a kindly, portly old man in shirt sleeves came to the door and asked me what he could do for me. I told him I had been sent by my father for a letter. He at once took it out of the rack and gave it to me, and I rode home, happy in the successful ending of the important mission. I did not then know that I was taking part in one of the last acts in a quaint

system of letter-carrying that was then just vanishing before the progress of our present splendid postal system. The very knowledge of this old system having ever existed is being lost. I have never heard or read of it except in this instance, and would never have known of it except for the personal experience just related.

In November of 1844 the election was held after the exciting canvass for the respective candidates of the Whig and Democratic parties, Clay and Polk. My father felt sure of Clay's election. In those days there were no telegraph lines, and the returns were gathered slowly. No news reached us for ten days or two weeks.

One cold, rainy afternoon, just as darkness was beginning to settle over the country, a tin horn sounded loud and clear to the west of our house. All heads were at the doors and windows, and there we saw a horseman riding furiously through the mud and rain, horse and rider covered with mud, the rider at intervals blowing his horn and then calling out with a clear, ringing voice, "Hurrah for Polk! Clay is dead." No other word was spoken by him, and soon the sound of the horn and the sickening message vanished in the distance as the rider pressed on eastward toward the village of Le Roy. We heard no more election returns for many days, but when they did come by the newspapers they confirmed the wild horseman's message. The railroad had brought some advance news to Batavia, ten miles away, and the horseman, no doubt an enthusiastic Democrat, took that method to proclaim the same to the country between Batavia and Le Roy. My father accepted the strange, weird proclamation as a true account of the result of the election; and if a sudden death had occurred in the family there could not

have been more solemn, subdued silence in it, which continued for several days.

It is hard to realize in these modern times, when the result of an election held all over this great country is practically known by midnight in every hamlet blessed with a telegraph office, that only fifty-seven years since such limited means of communication existed here.

## CHAPTER IV

### LIFE OUTSIDE OF SCHOOLS

There was more outside of schools that developed my character than there was in the schools. My father was a man of fine intellectual capacity and of as good attainments as could reasonably be expected under the circumstances of his life. He was born in 1783, the year peace was declared after the American Revolution. His father and four of his brothers had been soldiers in the armies of the patriots. Extreme poverty and privation was his portion in early life. He managed to acquire the rudiments of an education. He was a great reader, and kept well posted upon the events of the times. He took an active part in all matters of religion, education, and politics. All these matters were subjects of conversation in the family, and my ears were alert to take in all the views expressed. The conversations in the family made a deep and lasting impression on my mind and made me eager to know more of the subjects. I recall his great interest in the invention of the electric telegraph. He would read the reports of the Patent Office on this invention and discuss the great results likely to come from it. If my memory is not at fault, a Mr. Evans, of Indiana, was commissioner of patents. I remember well when the first message was sent from Baltimore to Washington. My father was as much elated as if it had been an achievement of his own. This was when Polk was nominated for the presidency in 1844. I was then a little over twelve years of age.

When railroads were first constructed the trains ran on a thin strap-rail spiked on a longitudinal stringer. I recall well when the first "T" rail was talked about. I became interested in the shape and form of rails and manner of fastening them, and have watched to this day the development of the form and character of rails with unabated interest. I can recall no circumstance by which I can fix the date when the "T" rail began to be talked about, but I do recall that when I was a child it was the subject of conversation in a company of the best people of the town in my father's house. I can recall the names and faces of some who were present. I took no part in the conversation, and I don't suppose any of the company thought of me as appreciating what they were talking about, but I did listen with eager interest. I could relate many other similar instances, among them the discussions, I think, over the renewal of the Woodward patent of the machine for planing boards with revolving knives. I had never seen the machine, but from descriptions it seemed to me a great improvement over the hand jack-plane I had seen used. Trivial matters these, but important as showing how a child's mind may be impressed by conversation he hears. The story of how a child's mind has grown is of no value unless he puts down faithfully the things he thought about, what he read, and what he did.

I suppose I was rather a precocious reader on political questions. My father's position was such that he was flooded with speeches and documents from Washington. I doubt whether a speech ever came into the house that I did not read with eager interest. I recall the speeches of Clay, Webster, Calhoun, Bell of Tennessee, Smith of Connecticut, and many others. In his canvass for the presidency in 1844 Clay had delivered a speech in a town in

Illinois, the name of which I have forgotten. At the close of his speech, in which he had spoken against slavery, a Mr. Mendenhall, who was an Abolitionist, asked him why he did not emancipate his own slaves. Mr. Clay replied in what my elders called a masterly speech, in which he showed that it was perfectly consistent for him to oppose the extension of slavery and yet, having inherited his slaves, and considering their various ages, some very old, some young, all unfitted to be then turned out to care for themselves, be almost compelled to live in it, and with it, for a further time at least. I do not recall that I read this speech, but I do recall that my uncle read it aloud, and he and my father discussed it with great earnestness. In those days I did not discuss political questions; I only listened to discussions with eager interest. For many years I kept all the great speeches delivered in Congress in a box, to be read over and consulted. When I grew to manhood it was a trouble to take care of them, and I destroyed them, an act of vandalism I have regretted many times since.

I have before spoken of my love for mathematics. It was not a love for it; it was a passion. I doubt if any devotee of novel-reading ever read novels with one-half the interest and delight with which I studied mathematics without teachers, and with no other stimulus than mental delight. As new channels in the science opened before me, I purchased the entire list of text-books then in use at West Point. It seemed to me that the course at West Point was the best guide for me to adopt in that line of study. In my school days I had finished trigonometry, but I followed up this line of study with unabated zeal at home. I was doing a man's work on the farm, although not more than fifteen years of age. I pursued my studies



at night and at all odd times. My father had a very complete establishment for making maple sugar each spring. The sap was boiled in a house that was a very comfortable place to stay in. There was little to do all day except to tend the fire; and I always used to take my books to the woods and spend all day there in study. I recall one day, while studying the calculus, on one page encountering a few lines of reasoning I could not comprehend. If I assumed the truth of those few lines I could go on for pages. All was clear before those lines were reached, and all was clear after that, but the few lines eluded my comprehension. I spent nearly the whole day over those few lines. At last, about four or five o'clock in the afternoon, I solved the difficulty. I closed the book in a high state of nervous excitement, and went out of doors, whistled, shouted, kicked barrels, and acted generally like a lunatic, all alone in the woods. I was wild with delight that I had solved the difficulty. The mental joy was something indescribable, and I could not think of looking into my book again that day. I had never met anything in mathematics that I could not solve alone, and had begun to fear I would have to acknowledge defeat. I had considerable reputation as a mathematician in that portion of the country, and for years it was a common practice for the seminaries and higher schools to send me any problems they could not solve, or any that they thought would tax my ability, and I never saw one I could not work out and return a detailed statement of my solution. I have often thought, and still think, that the mental discipline derived from this study was the principal factor in developing such mental vigor as I possess in other lines of study and investigation.

## CHAPTER V

### HABITS OF READING

I think the environments of my early life were particularly fortunate to stimulate in me a desire for reading. I lived under the influence of my family and my native town. In the village there was a female seminary of national reputation. It was in those days known as the Ingham Seminary, kept by three sisters of that name. Its patrons came from all over the United States. Very many young ladies were educated there from the Southern States and from New York City and other cities of this country. All over this land there are now undoubtedly many mature women who were educated there. I had two sisters educated there. Many of the girls and teachers were visitors at my father's house, and once a year, for many years, the faculty and graduating class were entertained at my father's house.

The subject of education was freely discussed before me, and my mind was stimulated by the trend of ideas that were constantly being presented.

The effect of such an institution in a town is to attract cultivated people there, and I think I am justified in saying that the village of Le Roy contained many persons of considerable cultivation and refinement. I regard the subtle, indefinable influence of such surroundings as of the greatest value to me in stimulating my energies to acquire knowledge. I soon acquired a taste for reading.

The natural sciences and philosophy were very attractive to me. Literature, history, and poetry received a great share of my attention. There are few of the English and American poets that I did not read. I have noticed a change in my tastes as to poetry. As the hard battle of life came on at about the age of twenty-five, my love of poetry seemed to wane—my mind seems to have hardened, so to speak—so that now, and for many years past, I have had no taste for such reading. I only recall poetry as one recalls strains of music heard long ago.

Geology was a very fascinating subject for me. I watched with interest the publication of each new book as it came out, and read it with absorbing interest. Not to mention others, I cannot help referring to the great Scotchman, Hugh Miller. I had become so interested in his works that I had come to regard him as a personal friend. I remember well the shock it was to me when I heard of his sad death, just after he finished his last great work, but before it had left the printer's hands.

My habit of reading was always to have a book at hand at every spare moment when not at work on the farm or asleep. In the field, when ploughing, I would have with me a book for reading when the team was resting. I recall on one occasion, when reading an edition of English translations of Greek literature, I became so excited in the subject of my reading that I mounted a stump, and, looking around to be sure no human being was in sight, I delivered my first stump speech to an imaginary audience.

I am afraid I was not strictly honest with my mother. On many occasions she would call to me in my room to put out my light, pleading that I would injure my health sitting up reading so late, and I would promise her

to put out my light immediately, and would faithfully do so, but when the house was still I would again light up and resume reading.

Very many years ago—I do not know just when, nor can I now tell why—I imposed upon myself the rule of reading not less than ten pages of substantial reading matter each day. This did not include newspapers, magazines, or novels, nor any reading in my legal profession. This amount of substantial reading a day might extend to fifty or one hundred and fifty, but a minimum of ten I have exacted of myself with rare exceptions to this day. That means 3,650 pages each year, and 36,500 in ten years, or over 100,000 pages in thirty years. If a person was confronted with the undertaking of reading 100,000 pages he would shrink from it, and yet it is an easy and pleasurable task if one has system and persistence.

In the days of my early manhood, before I was twenty years of age, the practice of having courses of lectures given by distinguished lecturers was in high favor. The practice does not prevail now as it did fifty years ago. Judging by the effect of these lectures upon me, I can but think it unfortunate they are almost given up. I recall such lecturers as Agassiz, Horace Mann, President Anderson, and many others who interested me mightily. I do not think the amount of real knowledge they gave me was very great, but they were skilful guides to conduct me to the high peaks of knowledge and point out the field to explore. Under their inspiring influence I was stimulated to press my inquiries into these new fields of knowledge so alluringly presented by them.

## CHAPTER VI

### PLANS OF LIFE FORMING

My life up to about twenty years of age was in an exceedingly narrow circle. I worked on the farm, doing all kinds of hard work usual to that calling, but kept persistently at my books. When I was about fifteen years of age the Rev. Dr. Muttoon came to my native village as pastor of the Presbyterian church. He was a broad-minded, genial man, and soon we became great friends. He was fond of fishing and hunting, and we followed the streams and roamed the woods of that country many a day for fish and game. I believe his influence upon me was one of the most important and valuable factors of my education. I can recall now the many occasions when, alone in the woods and sitting on logs or stumps to rest, with our guns leaning against trees, we would discuss some new book or some interesting subject until we had rested enough to resume our hunt. Delightful days, full of precious memories. Most important days in my mental development as I now estimate them.

In my early life I never took a long journey to see or know anything of the world from actual contact with it. I was over eighteen years of age when I took my first ride on a railway train. I lived in my narrow circle, and read and dreamed of all beyond. Gradually a belief grew in my mind that there was something in me that pointed to a career other than that of a farmer. My fondness for

mathematics led me to adopt engineering. I purchased numerous books on engineering, outside of the line of pure mathematics, and studied them with great avidity. Finally I applied to a Mr. Miller, who had been the engineer in charge of what is now one of the branches of the Erie Railroad, to give me employment. This was about 1852. He engaged me to go with him as assistant to lay out a new road in Tennessee. I purchased my first "sole leather" trunk and got together my outfit for that expedition, full of hope and great expectations from my chosen career. My father and a brother-in-law, the latter a lawyer and ex-judge, advised against my being an engineer, urging a course of law study. I strongly opposed their suggestions, for my heart was set upon my chosen calling. The times were unpropitious for me. The first financial checks were beginning to be felt that finally reached a culmination in the great panic of 1857. It was difficult to get capital to embark in new enterprises in those days. The country was poor and was beginning to feel the first symptoms of the great collapse. After weary months of waiting I yielded to the importunities of my family and went into my brother-in-law's office and began the study of law. When I began study it was with the firm resolve that I never would practise law, but I felt that a knowledge of law would aid me in my chosen calling. For four years I read law, never for one moment intending to make law my profession. During my law course I procured a theodolite of moderate completeness and held myself out as an engineer and surveyor. I soon became the recognized surveyor for parts of Genesee and Livingston counties. I don't know whether it was my ability or the imposing appearance of my instrument that gained me my reputation. The farmers of that country had never seen

such an instrument before, and by its aid I settled all boundary claims so effectually that I never heard of a litigation or review of any case that I surveyed. During the five years of my practice of law in Le Roy and for some years after I began practice in New York City, when home on my summer vacation, I was applied to to settle boundary and highway questions in that country. My moderate charges for surveying while studying law paid all my expenses of living. In May, 1856, in Buffalo, I was admitted to practise law.

It was with commendable pride that I went home to the old farmhouse and exhibited my certificate to my father. He examined the same with great pleasure. All through my law studies I reasoned with myself that I would not stop short of being admitted to practise, but that after that I would turn to my first love, engineering. To have stopped short of being admitted as a lawyer would have wounded my pride, so I said to myself time and again I will not stop short of that goal. After that no more law for me. Being admitted, I was brought face to face with my resolution never to practise law. What to do now was the question, and long and earnestly was it debated. The financial condition of the country had grown steadily worse and worse during all my course of law study. The chances for an engagement as an engineer were much more remote than ever. I could find no chance to work in my favorite profession. For about six months, from May to the following autumn, I debated with myself and tried to find some way to escape from entering upon the practice of law. I finally effected a compromise with myself that I would enter upon the practice of law, follow it for a few years, win some spurs to show that I could be a lawyer, then leave that profession and take up engineering. I do

not think I could ever have brought myself to put out a sign if I had then believed I was to be a lawyer all my life, and that my favorite profession was never to be followed by me. I remember well the reluctance with which I saw the little black sign with gilt letters nailed up, which read "E. B. Hinsdale, Attorney-at-Law." It was bright and new, and looked well with the signs of other lawyers in the building. I was more sorry than glad that I had decided as I did, but the die had been cast, and I consoled myself with the thought that two or three years would bring me to the end of this experiment, and then a chance would surely come for me to be an engineer. Having once entered upon the practice of law, I worked with all my energies. I commenced business in the autumn of 1856. The year of 1857 was the year of the great failures all over the country. It naturally threw upon lawyers a great deal of business, and there fell to my lot about all I could attend to. I was faithful in studying every question presented. I remember one night, when I had an important case to attend to the next day, I spent all night in the office. Towards morning I piled up law books on the table to rest my head on, and later slept on the table. The next day I was prepared on my law and won my case. I followed my profession five years in my native village, and as I became more and more involved in business my interest in the profession increased until the dream and hope of being an engineer faded from my mind. I have often wondered whether the reluctant decision to practise law was a wise decision or a colossal blunder. I think my case is a rare one, where a man has followed a profession for life that he was fully resolved never to follow while preparing for it, and determined to abandon in the first



few years of its practice. I believe my mathematical studies have been of the greatest value to me in my legal studies and have served me a good purpose. On the whole, it has been one of the greatest regrets of my life that I did not adhere to the clear trend of my mind.

It seems to me that in the field of the great material advance that has been going on in this country for the last forty years, I should have found employment as an engineer more congenial to my tastes than I have found the legal profession.

## CHAPTER VII

### FIVE YEARS OF COUNTRY PRACTICE

The life of a young country lawyer is one of peculiar interest. He is obliged to deal with every imaginable question that comes up. There are some, not many, important litigations. There are many litigations of minor importance as these things are estimated in large cities, but these litigations are of great importance in rural communities. The young lawyer must take part in the politics of the country if he hopes to have any standing there. All social questions and educational matters must receive a share of his attention. If he is so inclined, he finds a field for his activity in the religious movements of his community. It was my good fortune to be retained on one side of nearly all the most important litigations of my native town. There were but few such cases in my five years of practice, and I had time to study them most exhaustively, and I think I can fairly claim to have been thorough in my preparation in each case. I remember a feeling that if I studied long enough I ought to bring every question of law to a mathematical certainty. My mind had been so trained to seek a solution of a question that could not be assailed that it seemed to me there must be some ultimate certain knowledge down in the depth of the law that my mind could safely rest upon as unassailable. At last it dawned upon me that the law is not an exact science. The infirmity of language, and the ever-

changing events and circumstances of life and business, render it impossible for the human mind to put in words rules specific enough and broad enough to meet all the conditions that are constantly arising in this complex life of ours. It was not easy for me to get my mind out of the field of absolute certainty of mathematics into the field of only high probability, which is about as far as any lawyer can go. The struggle did me good and laid the foundation for such success as attended me in after life.

Among my experiences in the country, I am often amused to reflect upon a "horse trade case" before a country justice of the peace. It was generally a charge of cheating as to age or soundness of the horse. It is not easy to account for the widespread interest in such an action. The farmers and idlers would always gather in great numbers and listen with interest to the progress of the suit. The justice of the peace evidently felt that it was an important event in his official career. To the young lawyer it was to win fame if he succeeded. The "horse doctor," who was generally a keen, wary fellow, was a witness on each side, and the skill shown by the young lawyer in handling him on a cross-examination would fix his rank as a lawyer in the estimation of the crowd of idlers. These suits would often last all day and long into the evening. Feeling would run high, and the encounter would long be a subject of conversation and criticism. I imagine this State has many lawyers who have held high rank in forensic debate or adorned the bench with learning and skill, and who can recall the time when they first tried their powers as lawyers on a country "horse case." In fact I have heard the expression that to try a "horse case" is an essential part of a lawyer's education in the country.

In 1853 or 1854, while I was a law student, the Republican party was organized in Genesee County. I volunteered to canvass two towns of the county for names for a call to a mass meeting to be held at Batavia, the county seat. I drove from house to house and explained the object of the movement. The meeting was held, and was addressed by John P. Hale, of New Hampshire. Resolutions were passed forming a county committee, and the party was launched for that county. I imagine I am among the few survivors who took an active part in the organization of the Republican party. Many survive who joined it when organized.

I took an active part in the politics of my country. No one who did not live through the intensely interesting and exciting period from 1850 to 1860 that preceded the rebellion can realize the universal interest in political questions. The feeling that the government was being undermined in the interest of slavery wrought up sentiment to a high pitch. All wanted to keep within the Constitution, and yet it seemed impossible to beat back the aggressions of slavery or meet the subtle argument put forward to support the institution. The editor of the local paper in my town sometimes would go out of town and leave me to edit his paper, and often asked me to write for it when he was in town. I have preserved but one of those early efforts at newspaper writing. I chanced to find it with some old papers a few years ago and kept it. I have inserted the article as one of my papers in this volume to show the trend of my feelings at that time. It is entitled "Northern Interference with Slavery," published in the "Le Roy Gazette," May 27, 1857.

In 1860 the last great political contest came on between the North and South before the clash of arms. Western

New York was intensely in favor of William H. Seward as the candidate of the Republican party. When the news reached us that Lincoln had been nominated at Chicago, the first feeling was that of intense sorrow and disappointment. I was on my way to Buffalo, and had gotten as far as Batavia when the news reached me. I turned my face to the window so that passengers should not see my tears. I felt that the cause was lost, as I did not think that Lincoln could carry the State of New York. I found that almost all Republicans with whom I talked felt as I did. It took some weeks to get over the stunning blow to our hopes. Our favorite had been beaten and our great cause lost. We had a very high estimate of Mr. Lincoln, but doubted his ability to lead his party to success at that time and to deal with the great issues then before us. After the sorrow and disappointment had worn off, we gave Mr. Lincoln a loyal, hearty support. I was made chairman of the Genesee County Central Committee and took charge of the canvass for that county. I spent practically all my time for three months before the election in working for the success of the ticket. The county gave over five hundred more majority for Lincoln than was estimated by the State Committee. I was the youngest man that had ever held that position in the county, and the State Committee, during the canvass and after the results, expressed great satisfaction with my work. Before the canvass closed we all became most enthusiastic supporters of Lincoln.

In 1859 I was a candidate for county judge of Genesee County. In the convention to nominate the candidate I was defeated by one vote, and that vote came from my native town. The delegate had been elected upon the distinct issue of my candidacy. Various explanations were given

at the time for this treachery. The most charitable one for me to give now, although I did not hear of it at the time, is that he doubted my fitness for the place. It was a great disappointment to me. At that time in that county a nomination by the Republicans was equivalent to an election. I have often speculated as to what would have been my career had I been elected a county judge at that early age. My present belief is that my defeat was one of the fortunate events of my life. I did not know it then, but I was gradually coming to the parting of the ways, when I should remove to New York City. My professional career in my native county was brief, but long enough to gain much valuable experience. It was successful as county practice goes, but the opportunities were limited, as well as the emoluments. I began to think about another field of endeavor. I vacillated between New York and Chicago, and finally, in 1861, determined to try New York.

Before closing the story of my country life I should state that for many years I was secretary of the Young Men's Christian Association of Le Roy. This work began about the time I began the study of law.

Among the things we did was to have yearly a most excellent course of lectures. I took great interest in this course, and corresponded with most of the great lecturers of that period. We secured the services of such men as Horace Mann, Wendell Phillips, Elihu Burritt, Dr. Lord, Mr. Beecher, Dr. Milborn, Dr. Cox, and many others of like rank. I was thrown into personal relations with those men, and recall to this day the many delightful conversations I had with them. Elihu Burritt was a relative of the family. His mother was a Hinsdale, cousin of my father.

Mr. Burritt was interested in the subject of compensated emancipation of the slaves. He was engaged in a scheme of organizing all over the Northern States societies to advocate his doctrines. He desired me to represent his views in my part of the State, and I entered into his plans with enthusiasm. Events moved too fast for us. We carried on a pretty vigorous correspondence for a time; but the war came on, and no one would think of compensated emancipation then. The institution was to be wiped out in blood and combat. How much cheaper and better it would have been if calm reason could have prevailed and the whole nation—North and South—could have been brought to see that the institution was doomed to go, either peacefully or, as it did in war, at a vastly greater cost in money to the whole nation, with the added horrors of war and loss of lives!

## CHAPTER VIII

### REMOVAL TO NEW YORK

Having resolved to try my fortune in the great city of New York, I was confronted with the very serious question of how to introduce myself. I could only recall two men in the city that I had ever met before, and they were merchants in moderate positions who could do little for me, even if they were so disposed. I had no money, and the means of a livelihood was a matter of immediate importance. Modesty makes me hesitate in disclosing the experiment I resorted to, but as this whole story is a confidential talk with family and friends, I will venture upon a full disclosure of my plans. No one who has not confronted the problem of breaking into a learned profession in a great city without friends or money can comprehend the difficulty of the undertaking. I felt sure of the position I had gained in my profession in five years in the seventh and eighth judicial districts of the State of New York, which embrace all of Western New York. How to avail myself of this vantage ground in the great and unknown metropolis was the question that confronted me.

To speak of myself was intolerable and unavailing. I hit upon the expedient of asking each judge and business man that I applied to to give me a letter in his own language, such as he felt justified in writing. I refused to write a recommendation of myself for them to sign. In some instances the judges asked to see what some of their



brothers had written, and I showed them the letters. The result was a very flattering series of letters, copies of which are printed herewith. I was very much affected and encouraged by my conversations with this noble body of judges, all of whom are now dead except Noah Davis, who was afterwards so long presiding justice of the General Term of the Supreme Court in the city of New York. I procured letters of introduction to a number of lawyers in New York, and, armed with those papers, in the early summer of 1861 I visited New York to see if I could find an opening before closing up my country business. Fortune seemed to favor me, for I soon was introduced to Mr. John W. Mitchell and his son, who had a very considerable amount of business, in which they sadly needed help. They were not careful practitioners, and their business had fallen into great confusion. I entered into an equal partnership with them under the firm name of "Mitchells & Hinsdale." I returned to my native town, closed up my business, and on September 1st returned to New York and began the practice of law. For the first six months I made more motions in the Supreme Court to correct errors in the practice of my partners than I found in their papers than I have ever made in my own practice of nearly forty years. I found myself immediately with about all the business I could attend to, some of the cases of great importance and bitterly contested for years. It was upon this foundation that my modest career as a lawyer in New York City began. I do not propose to say much about my experiences in New York as a lawyer; they have not been materially different from those of thousands of other lawyers. It is probable that I have been more fortunate twice in my life than most lawyers. When I began my country practice it was in 1856, just before the great financial col-

lapse of 1857, and I at once drifted into an unusually important practice for the country. Again, when I came to New York I began as an equal partner in an old firm with considerable business. I have never been a clerk in a law office, and from the first have had a reasonably good Supreme Court practice. I have had very little experience in inferior courts, and have never had to resort to doubtful expedients to get clients. I have never been without considerable important business, and have often seen the time when I wanted more. My rank as a lawyer must be determined by the brethren of the bench and bar. All I can say is I have often been pitted against the ablest men of the State in many important litigations. When I came to New York I had no idea of being anything but a general practitioner. In the spring of 1862 a gentleman asked me to go to his country place in Flushing to spend the night. I had never heard of the place then, but he gave me minute directions where to meet him, and I went there to spend one night. I liked the place, and subsequently took up my residence there. I have mentioned this trivial incident because of its tremendous effect upon my whole professional career. Soon after I took up my residence in Flushing, I drifted into some railroad litigation in which I was against the railroad company. Soon thereafter those interested in the railroad employed me. One step led to another, the details of which would be uninteresting, but in the course of time I became counsel for all the railroads on Long Island, a position I held for several of the roads first, and finally for them all for twenty-five years.

The greater part of my professional life was spent in the service of that company; in short, I became a corporation lawyer without any original plan to be one. I did

not know a human being on Long Island, and had no plan or purpose to link the best part of my life to the interests of that island. The seemingly unimportant acceptance of an invitation to spend one night with my friend was the beginning of the most important part of my professional career. How difficult it is to distinguish at the time the important events of life from the unimportant! If I had not accepted this invitation to visit, and so drifted as I did on to Long Island, I suppose some other event would have sent me in some other direction with a vastly different result.

When I first came to the city I was at once put in charge of a case that had then been in progress five years. The questions involved were the construction of a trust deed executed about 1820 and an accounting under it. The accounting was in progress when I went into the case. The case had been before ex-Chancellor Kent as referee. He died, and at the time I refer to it was pending before ex-Judge William Mitchell as referee. This case illustrates one of the occasional experiences of a lawyer in dealing with trust deeds. The litigation lasted for twenty years after I got into it. The judges could never agree as to the construction of the trust deeds. A success on either side either way was sure to be reversed or materially modified by a higher court. The successes were about equally divided between the two sides. At last the case came up for a trial on the merits for the third time. The original parties to the action were all dead; others had been substituted on each side; the witnesses were dead; the lawyers originally in the case, except one, were dead. The amount of property was considerable for those days. At that stage of the legal game the conclusion was reached that it was a proper case for a settlement—a mani-

festation of wisdom that ought to have appealed to somebody in the first instance.

The most important litigation that I was ever connected with was that to establish the right of the Long Island Railroad Company to build and operate a railroad along Atlantic Avenue for four miles, down into the heart of the city of Brooklyn. Actions were brought in the Supreme Court, the City Court of Brooklyn, and the United States Court to restrain the work of the railroad company. One of these actions was brought by the attorney-general of the State of New York. The actions were five in number and severely contested. The litigation lasted about ten years, and in its various aspects came before a great number of judges in the three courts, including the judges of the Court of Appeals. I had principal charge of the defence, and never on a motion or trial suffered one defeat. The road is operated to-day, and has been for over twenty-five years, exactly as I originally advised its construction and operation.

In the summer of 1871 I formed a partnership with Edward E. Sprague, then a young lawyer recently graduated from the Harvard Law School. This partnership lasted for about twenty-two years, under the firm name of "Hinsdale & Sprague." I have always regarded this partnership as fortunate for me. Mr. Sprague developed into a lawyer of fine abilities. During the entire term we never had one word of personal differences. I think I can truthfully say that our relations were not only agreeable in a business way, but there grew up a feeling of real affection for each other that abides to this day. When the time came that it was best to separate, it seemed like a separation in a family.

When I was a law student there was one older lawyer

in the office who seemed to take delight in nagging me and saying all kinds of mean and critical things about me. Those sayings have rankled in my mind to this day, and I remember well often going home at night gnashing my teeth with anger at some mean fling he had given me. I don't think now that he realized how he hurt me. It gave me a lesson I have never forgotten, and I resolved never to inflict such pain on a young man. I have made it a rule with all the young men about me to treat them kindly, never to speak harshly of their faults, and the result has been that I have had men in my employ for terms of ten and fifteen years or longer who have been devoted to my interest, and our relations have been most kindly. My service has been good, and our relations have been most agreeable.

It is a great pleasure now, in the full maturity of life, to recall the long list of faithful men I have had in my service.

## CHAPTER IX

### PUBLIC QUESTIONS

In the course of my life I have had something to do with important public questions. In 1863, just before the draft riots, excitement ran high in New York City. The Democratic papers of the "Copperhead stripe" had most persistently declared that the conscription law of the federal government was unconstitutional. They constantly proclaimed that it was an illegal act; that the government was going to put it through in violation of the rights of the citizens. They kept up this clamor until the city was on the verge of the terrible riots of 1863. Loyal men who had not examined the subject were at their wits' end to answer the claims of the "Copperheads." One morning one of the truest and best men I ever knew, Frederick A. Potts, touched me on the shoulder and asked me to tell him honestly, as a lawyer, if I thought there was anything in the claim of the unconstitutionality of the conscription law. I told him that I did not think there was, but that I would look the matter up. It alarmed me to find that the persistent false claim was being felt by the best men in the loyal party. I at once locked myself in my library, and spent the whole day preparing the article printed in this volume among my papers entitled "Constitutionality of the Conscription." About six o'clock that evening I handed it to Mr. England, then one of the editors on the New York "Tribune." The article ap-

peared the next morning (July 22, 1863) as an editorial in that paper. The following morning the "World" and the "Express" newspapers devoted columns to answering the article.

Some years after the war I became acquainted with a gentleman connected with the "World." I asked him if he recalled the controversy. He said he did very well. He expressed great surprise when I told him I wrote the "Tribune" editorial. He said it took them all by surprise in the "World" office, and created great excitement there. They had concluded that the paper must have emanated from the State Department at Washington, and they had at once sent for an eminent constitutional lawyer to prepare their reply to it. Only those who lived through those exciting days can realize how high feeling ran. From what I heard at the time, I infer the views I presented were of great service in strengthening the opinions of loyal men and furnishing them with the data for arguments with the disloyal element.

Prior to 1883 the subject of new parks in the city of New York had received a great amount of public attention. The legislature had authorized the appointment of a commission to lay out parks and parkways. Luther R. Marsh was chairman of that commission. The commission had reported to the legislature plans for laying out the Van Rensselaer Park, the Bronx Park, the Pelham Bay Park, and other smaller parks, with the broad drives between them, as those parks and driveways are now located in the twenty-third and twenty-fourth wards of New York City. In 1884 the legislature adopted the report of the commission, and provided for proceedings to acquire the property. At this stage of the proceedings a movement was begun to defeat the whole scheme of park improvements.

Articles began to appear in the newspapers asking for a repeal of the whole legislation on that subject. Mr. Grace was then mayor of the city of New York, and he seemed to head the opposition. So much sentiment was worked up against the measure that a large public meeting was held in Cooper Union, under the auspices of the mayor, to denounce the plan and influence repeal legislation in Albany. One of the great arguments used was that the constitutional debt limit had been reached by the city, and no bonds could be issued by the city to pay for the improvements; that if the improvements went on, the whole amount, about \$10,000,000 it was alleged, would have to be put into the annual tax budget. This line of argument was urged to alarm taxpayers. Legal opinions were obtained to sustain this view. At this stage I was called in to examine the question. I went to the City Hall and examined every ordinance affecting the powers of the Sinking Fund Commissioners, procured numerous reports from the comptroller, and prepared the opinion on the status of the city debt published herewith, entitled "New Parks." Thousands of copies of this opinion were published and circulated throughout the city. It seemed to allay public apprehension in the city, but the opponents of the parks did not abate their efforts to secure adverse legislation at Albany. I was employed to present the views of the friends of the parks before the Judiciary Committee of the Senate and Assembly. The opponents of the parks were defeated there. The question of the power of the city to issue these park bonds was again raised in the courts, and was finally put to rest in the Court of Appeals, that court adopting substantially my views. I have always regarded with a great deal of satisfaction and pleasure my connection with the acquisition of these parks at the critical



time when they seemed in danger. No one to-day would think for one moment of giving them up, and future generations will bless those men who by their foresight and persistence secured them forever to the city. I claim no credit for myself, except in helping to save them when there were powerful influences at work to defeat the grand improvement. It is an unusual thing to state for one who took an active part in finally saving the parks to the city, that I have never visited the parks or seen the driveways since they have been acquired and improved by the city. I hope some time to make an excursion through them.

For several years before 1887 the subject of "land transfer reform" in the city of New York had received the serious consideration of lawyers and real estate men. The old system of registration had broken down by reason of the large extent of the city and the multitude of transactions to be recorded and examined. All agreed that a reform was absolutely necessary. Mr. Dwight H. Olmsted, a lawyer of eminence, must always have the chief credit for working up this reform. It was through him that I became interested in the subject. There were two methods only under consideration—the details of which it does not concern this autobiography to explain—one known as the block system, the other as the lot system. Almost the entire bar of the city were interested. Mr. Olmsted and many others, including myself, advocated the block system. The debates and conferences were long and earnest over the two systems. Finally the Bar Association appointed a committee of seven, of which I was chairman, to hear arguments and report on the two systems. We had many meetings, but could not agree. Five of the committee voted in favor of the lot system. Mr. Herbert B. Turner and myself agreed upon a minority report in

favor of the block system, and I wrote the report, which forms one of my papers, entitled "Land Transfer Reform." The advocates of the lot system had what they called their perfected bill, said to have been chiefly prepared by Mr. Southmayd, an eminent lawyer of the firm of Evarts, Southmayd & Choate. The advocates of the block system had no complete bill that they approved at that time. The Bar Association adopted the majority report. The fight was then transferred to the legislature at Albany. The friends of the lot system had their bill before the Judiciary Committee of the Assembly, and a hearing was set down for that bill before our bill was prepared. I went to Albany alone to argue the question against the lot system. After the argument on the first day Judge Greene, one of the committee, I think from Orange County, said to me: "Your argument seems to be sound, but you have no bill here to represent your views." I felt the force of what he said, and promised him I would have a bill there at two o'clock the next day. I procured a stenographer and went to my hotel room, and before midnight had dictated a bill, which was typewritten the next morning. At two o'clock the next day I presented my bill to the committee, and continued my argument against the lot system and in favor of the block system. After various arguments before the Judiciary Committee in both houses, my bill was passed by the legislature and signed by the governor. That ended all legislation on the lot system. This bill has been amended in some minor details, but the principle stands to-day as the plan upon which the vast real estate business of this great city is transacted, so far as affected by the working of the Registry Office is concerned. The main battle was to get the block system adopted and to defeat the lot system. I

think the adoption of the lot system would have been a colossal blunder. The reasons for this opinion are fully stated in my minority report to the Bar Association. As I reread it after years have elapsed the reasons stated at the time seem to me entirely sound. The present system can go on for all time, no matter how large the city may grow, and will never be in danger of breaking down by reason of the magnitude of the business, as the old system did.

Soon after the assassination of President McKinley the notorious anarchist Herr Most was arraigned in the Court of Special Sessions. I was presiding at the time. It was a source of regret to my associates and myself that he had been brought before us. We were vaguely impressed with the idea that there was no law by which he could be convicted. To have him arraigned and dismissed as having committed no offence seemed intolerable. On the other hand, to convict him without legal justification would not conform to the views of any truly patriotic citizen. It fell to my lot to examine the law touching his case. The question haunted me for two weeks in all my leisure moments, and it was with no little difficulty that I finally solved the problem to at least my own satisfaction. I could find nothing in the law reports that would throw even the slightest light upon the question. The public views touching the freedom of the press were hazy, and may be said to be firmly set against any improper restraint upon it. The question was to distinguish between the article in Most's paper and the proper freedom of the press. I finally worked the problem out to my satisfaction, and defined the line to be that freedom of the press found its limit when the press advocated the commission of a crime for the purpose of attaining a political end.

It seems to me that this is a perfectly clear and defensible position. The *Most* case will be heard on appeal very soon. I believe that in the opinion that I wrote I blazed the way for further legislation, and that in the end the State legislatures, and perhaps the federal government, will find a clear line for legislation on this extremely important subject. If the result of my study and investigation shall have attained that end, it will be in accordance with my views and reflections while writing that opinion. I give this opinion in full in this book, as I regard it a public question of the highest importance and entitled to a place here.

## CHAPTER X

### UNION LEAGUE CLUB

In 1875 I was elected a member of the Union League Club. It was not then the strong organization it has since become. After the war was ended many members thought the purposes of its organization had been fulfilled and that it should disband. Others thought its life should continue. When I joined the club its membership was not full, and I was elected within a month or two after I had been proposed as a member. For several years I took no interest in the club except as a social organization. The political power for reforms did not attract much of my attention. The offices of the club were in the hands of older members, and I did not take part in its management. After some years I began to take part in the debates at the club, and in one or two cases with rather flattering success. It was my joining this club that finally led to a situation that induced me to write this autobiography. The papers I prepared for the club form the major part of my papers that I originally agreed to bind together for my family. In the year 1886 I was elected a member of the Committee on Political Reform. No hint had been given me that I was to be nominated, and the first I knew of it was when I saw my name with others posted in the official ballot. It was a complete surprise to me. I have been continuously on that committee to this date. Whitelaw Reid was then chairman of the committee. In

1887 there was a great discussion going on over the question of the surplus revenue accumulating in the United States Treasury. Mr. Cleveland was then President, and he, in common with most of the Democrats, advocated a reduction of duties on imports. The operation of the laws for the collection of domestic taxes, together with the import duties, was flooding the treasury with money that could not be paid out in the ordinary course of the business of the government. This produced such stringency in the money market as to disturb business interests very seriously. To reduce the import duties was in the opinion of many to imperil the manufacturing interests of the country. The question was: Which stream of inflowing money to the treasury should be stopped, that from the internal revenue or that from import duties, or should some middle ground be found? The question came up before our committee, Mr. Reid in the chair. After listening to the various views expressed by the other members of the committee, I stated that I did not agree with the opinions expressed by any one of them. This brought a challenge to me for my views. I hastily went over the ground embodied in the report adopted by the club in April, 1888. The committee thereupon passed a resolution referring it to me to prepare a report for them. That evening while walking up Fifth Avenue with Mr. Reid he said: "Hinsdale, we have passed a wide-open resolution for you. Now is your chance to put down just what you think." The report that I prepared was adopted by the committee without changing a word, two members dissenting. Mr. Roosevelt, now President of the United States, and Mr. Knox, at one time controller of the currency, were the dissenting members of the committee. On the evening the report was adopted by the committee

Mr. Reid was late in coming to the committee meeting, and when he did come he stated that he had been dining with Mr. Chauncey M. Depew, and he had told him about our proposed action. Mr. Depew was then president of the club. Mr. Reid reported that Mr. Depew was very much afraid we had gone too far. It was finally arranged that I should see Mr. Depew and read the report to him. I did so, and after hearing it read he gave it his prompt and cordial support. In January, 1888, the report came before the club for adoption. I presented the report, entitled "Protective Tariff," and Mr. Roosevelt read a dissenting report. Mr. Joseph H. Choate led the debate in opposition. With two such vigorous men as Mr. Roosevelt and Mr. Choate in opposition, it may well be believed that the debate was hot and lively. Mr. Reid was not present, and it fell to my lot to represent the committee. The report was defended by some of the ablest men in the club. About midnight it was proposed to lay the report on the table, with leave to the committee to call it up at any subsequent meeting. On behalf of the committee I accepted that arrangement. At the April meeting it was again called up, with a slight change in the wording of the resolutions, and after a sharp debate was passed by a large majority. It was manifest that the club was determined to put itself on record as in full sympathy with the doctrine of protection to American industries. That in the end became the pith and point of the whole debate. The opposition, while showing free-trade tendencies, adroitly argued that the club should not attempt to forestall the action of the Republican National Convention, soon to meet in Chicago to nominate a candidate for President. The "Tribune" the next day referred to the matter editorially as follows:

"The resolutions adopted by the Union League Club last night embody the historical principles of our National financial policy. The revenue for the General Government should be raised by duties on imports. Domestic taxation for the purposes of the General Government should be resorted to only in case of need, and discontinued when the need ceases. The tariff should be regularly and often revised, to suit the changing conditions of trade, and to correct inequalities and injustices which are sure to arise; but this revision should be so conducted as to protect and promote American industries. Liquor should be heavily taxed, and the tax should be imposed where the liquor is drunk and its harm is done. The opposition to all this at the Union League, proved more noisy than numerous. Mr. Joseph H. Choate led it. He took care to declare himself a Protectionist, but showed that he had yet the alphabet of the tariff question to learn, by maintaining that the policy approved in the resolutions would drive the Government 'to raise the duties in our present iniquitous tariff still higher, to get revenue enough for its ordinary expenses.' He did not seem to know that the revenue would be more surely and easily increased by lowering duties, and so doubling and trebling importations. He concluded by likening some United States Senators, whom he supposed by his way of thinking, to angels, and by warning his fellow-members that fools only rushed in where angels feared to tread. The Club thereupon voted Mr. Choate down, and passed the resolutions by a majority of three to one. That versatile gentleman probably suspects, this morning, that his glib tongue ran away with him when it put him in the position of calling so great a majority of his fellow-members fools."



The report was widely discussed by the press throughout the country. The Democratic papers, with their usual sensational horror of the evils of the liquor traffic, charged upon the Republican party that they were in favor of free whiskey, and they kept up this false cry during the entire first Harrison campaign. The falsity of the charge did not seem to phase them in the slightest degree. How such an inference could be drawn from the report it is not easy to see at this date. However, "anything for a campaign cry" seems to be the rule with them. The truth of a matter is of no moment.

In the following July the Republican convention met at Chicago and nominated Benjamin Harrison on a most pronounced protective tariff platform, and he was elected on that issue. A few days after the convention adjourned Mr. Choate met me at the club and gave my hand a most cordial shake, and said: "You ought to be happy. You had your own way in the club, and now again you are vindicated in Chicago."

The influence of the report, whether much or little, cannot now be estimated. During the canvass I met two delegates to that convention, one from Kansas and the other from Nebraska, who told me that the Western delegates would never have dared to take such high protective tariff ground if the Union League Club had not pioneered the way. The Western delegates, they said, would have been afraid that the importing and commercial interests of New York City would have been against the doctrine.

Mr. Whitelaw Reid, as chairman of the committee, in his annual report to the club, dated January 10, 1889, made the following statement:

"In January last the Committee presented to the Club

a report concerning the continuance of war taxation for twenty years after the war, and the dangers from the consequent surplus in the Treasury. The resolution accompanying the report was the subject of warm discussion in the Club, and was finally laid upon the table to be called up again by the Club after due notice. In April it was so called up at an unusually full meeting, with modifications proposed by the Committee, and after protracted discussion, was adopted by a large majority. The opinion thus formulated by the Club was practically accepted a few months later by the National Republican Convention, and incorporated into the platform on which the Presidential victory of 1888 was won."

It is fair to state that since the debate of that evening at the club both Mr. Roosevelt and Mr. Choate have in all their utterances, so far as I have seen them, been in full accord with their party on the question of promoting home industries. Perhaps they were not fully understood in that debate. There is no fast and unchangeable rule about tariff in the mind of sound protectionists. The doctrine is flexible, and tariffs should be changed from time to time to meet new conditions. The one unchangeable rule is to so adjust tariffs as to promote home industries rather than to destroy them.

When Mr. Harrison was installed as President he appointed Mr. Reid as minister to the republic of France. Mr. Reid resigned his chairmanship of the Committee on Political Reform of the club in 1889, and I was elected chairman in his stead, a position I held until January, 1895, when I declined a further election which was tendered me.

I entered upon the duties of the position with enthu-

siasm and prepared a number of reports, some of which I shall refer to in this narrative.

In November, 1889, the club adopted a report that I prepared on the subject of licensing the liquor traffic, then a burning question. I took strong ground for high license of that traffic as the best practicable solution of the question. The legislature of the State subsequently passed the present high license law in substantial accord with the report. Of this report Mr. Depew in his formal address as president of the club said:

"To the question of the regulation of the liquor traffic our Committee on Political Reform gave the closest attention and the most thorough examination. Its report was (and that became the judgment of the Club, repeatedly affirmed) that, under conditions as they existed in the State of New York high license is the proper solution of the problem. The results gathered from the beneficial experiences of other States were collated and presented in the most forcible manner, and the argument pressed home, that by a proper high license bill once enacted into a law this vexed and vexing question might be removed from politics and the saloon be no longer the dominant factor in our State affairs. The Republican party of that year agreed with the position taken by the Union League, and it will be in the future one of the most interesting studies of the political historian, whether the party having received all the damage possible by the statement of its principles and platform would not, in the end, have triumphed in the control of our State if it had had the courage to consistently maintain the position then taken."

In 1890 the McKinley Tariff Bill was under consideration in Washington, and our committee determined to

make a report on the subject. I prepared the report, entitled "The McKinley Tariff, 1890." It was printed and circulated among the members of the club. While the report was being prepared it became known that Mr. McKinley was to be in New York. A mutual friend arranged that I should have a private interview with him to discuss the report, so as to be sure that it was in harmony with his views. The interview was had, and we went over the report very carefully. He suggested the insertion of two words, and I agreed to his suggestion. I can never forget that interview. I was greatly impressed by the man. We talked over many subjects for nearly two hours alone. Never after that interview had I a moment's doubt as to his great abilities or devotion to the best interests of his country. Now after his tragic death I cherish those precious moments with him as among my most delightful memories.

On the evening of April 29, 1891, as I entered the club, expecting to present the report to the large meeting that had assembled, I was handed a written request, signed by a large number of the best men in the club, urging me not to present the report, fearing it might complicate matters in Washington. I was astounded at the request, and, as I now think, weakly yielded. I am so constituted that I do not yield my convictions to any opponents, however numerous or powerful. My resolutions strengthen on such opposition. But to have a sudden and unexpected slump among my friends instantly makes me begin to doubt my own judgment. I did not present the report. Every man who signed the request was in full accord with the sentiments of the report, but was afraid at that time to go upon record. It is unfortunate that there are so many really good people in the world who are frightened

at a shadow and who do not know that a straightforward and aggressive statement of principles is always safe and in the long run the winning policy. The report represents my views and is entitled to a place among my papers.

On the 10th of March, 1891, the country was startled by the report that a number of Italians who had been tried and acquitted by a jury were forcibly taken out of the jail by a mob and murdered. It is not necessary to detail the circumstances of that crime in this paper. It was a new and startling proposition in this country that so-called "best citizens" should be engaged in such a piece of work. On the 30th of March the club adopted the first report that I prepared for the committee, entitled "New Orleans Riots, First Report." This report attracted wide attention, and was generally approved by the press.

On the 28th of April a second report was presented that I had written for the committee. This report was unanimously adopted by the club. The report attempted to deal with the question of improper immigration and improper naturalization. The manner of its treatment of the subject must be judged by those who read the paper. No paper ever issued by the club received such wide notice or earnest discussion in the press. From the Atlantic to the Pacific, from north to south, there was not a leading paper that did not publish it in whole or in part, and generally with a leading editorial on the subject. The editorials were generally highly commendatory, with a few discordant notes, the latter generally from the southwest. I cannot undertake to put into this narrative the numerous editorial notices in this country. The reports also attracted the attention of the English press, and I am tempted to present some of their notices, as they did not reach American readers. The first report was cabled to London and

published in the "London Times" on April 11, 1891. The "Times" prefaced the article with the following remarks:

"The Union League met last night for the purpose of considering the lynchings at New Orleans. The members of the Union League Club are essentially among the leading men of New York in point of wealth, education, conservatism and patriotic motives, and are Republican in politics; and upon those rare occasions when the Club declares its sentiments on public questions, it may be said to represent the best American opinions. The gathering last night was an unusually large one, and the following report was read and unanimously adopted."

Then follows the report.

"Black and White" of London, under date of April 16, 1891, said:

"The United States Government is in no hurry to comply with the demands of Italy; but it proposes to obtain a trustworthy official statement of the nationality of the New Orleans victims, with their 'records' in America and in Italy. Meanwhile, there is a growing feeling in the country that steps must be taken to prevent America from becoming—in a sense different from that in which the expression was used by Dr. Johnson—'the last refuge for scoundrels.' There can be no doubt that many of the worst elements in European society find their way across the Atlantic, and, if the evil is not checked, it may hereafter be a real danger for the Republic. The opinion of all serious Americans on the subject has been powerfully expressed in a report adopted by the well-known and influential Union League Club."

"The Hub" of London, under date of April 13, 1891, said:

"The resolutions of the New York Union League Club on the immigration question met with a good deal of sympathy here. Public opinion is growing up strongly in favor of placing the whole question of foreign immigration on a totally different basis. England is also becoming alarmed at the importation of pauper foreigners, disorganizing the labor markets and throwing native workmen out of employment. The Union League resolutions will be used with much effect in Parliament."

The second report was discussed by a writer in the "Nineteenth Century" of London, under date of May, 1891. Long quotations from the report were made. Two extracts of this paper are given here. The first extract was before taking into the article the quotations from the report; the second extract was after the writer had taken into his article the greater part of the report:

"The report of the Political Reform Union League Club of New York on the recent lynching of Italians in the State of Louisiana is a document worthy of the great American Statesman who *did* believe that the Decalogue and the golden rule must govern politics as well as other human relations. The reformers deprecate the lynching of foreigners who have been tried by jury and acquitted."

"A remarkable document this we think; one which recommends itself to all justice-loving, fair-dealing minds. There is not one word in it to offend Italy, or any other nation which hitherto has discharged its surplus population onto the hospitable shores of the United States—tares and wheat mixed in unascertainable proportion."

The "Daily Graphic" of London on May 14th contained a notice of the report, with extracts therefrom. The "Morning Advertiser" of London, under date of May 15, 1891, had a long article, in which it discussed the report in detail, and most favorably.

At the January meeting of the club in 1893, at the end of Chauncey M. Depew's seven years' service as president of the club, he made a farewell address, in which he recounted the achievements of the club during his presidency. Referring to this report he said:

"The year 1891 is also distinguished for the most exhaustive and vigorous report upon naturalization and immigration which is to be found in the literature of that most important and exigent discussion of the day. Then, as always, the Union League Club was broadly American in its ideas, at the same time that it was generously hospitable to those who were worthy of our hospitality."

It is a gratifying reflection that subsequent to this wide discussion of the question of undesirable immigration by the press, Congress took up the subject and passed the present immigration laws—a great improvement on the old laws—but they did not go as far as I would desire.

In the fall elections of the State of New York, after a heated contest, the Republicans elected a clear majority of the senators, and the Democrats a decisive majority of the members of the Assembly. David B. Hill was then governor of the State. When it began to appear that Governor Hill was plotting to reverse the will of the people of the State of New York and change a Republican Senate into a Democratic Senate excitement was at fever heat. The press had given the events as they came out, but the events were so complicated that few men could



carry them in their consecutive order and understand just how the act was consummated. One day, on my way to Albany, I called upon Mr. Depew, then president of the club, and the subject of the steal came up. He asked me how it was done, and frankly stated that he could not understand it in all its parts. After some talk he asked me to look it up and make a report on it to the club. I was to spend several days in Albany, and with this hint in mind while I was there I spent all my leisure hours in the newspaper offices poring over the files, and with the aid of the data thus gathered I put together the story of the great crime in the form of a report to the club, which was adopted unanimously by the members. I believe this was the first consecutive account of the matter ever published. It does not concern this narrative to state the story over again. The report speaks for itself, and is entitled here "Governor David B. Hill's Steal of the Senate of the State of New York." Governor Hill's cunning plans all came to naught. He was "hoist on his own petard." The principal actors with him were all punished by the courts. Obscurity has been the lot of such of them as are living. Governor Hill, notwithstanding his great ability, is under a cloud from which it is not probable he will ever emerge. It would be a curious and interesting story to tell how he lost to his party the State Constitutional Convention the following year, and how that convention put into the constitution provisions that for twenty years would hold in check so unscrupulous a politician as Governor Hill. The morning after the club adopted the report the "New York Tribune" of March 11, 1892, had the following editorial comment on it:

"The facts set forth in the elaborate report on David B. Hill's theft of the Legislature which the Union League

Club adopted last evening are familiar to readers of the 'Tribune.' The statement of them made by the Committee on Political Reform is worthy of careful reading nevertheless. All the steps in this gigantic crime are described with clearness and force, and the authors and perpetrators of the great steal are held up to the scorn and reprobation which they deserve. The arch-conspirator was, of course, David B. Hill, whom the report handles without gloves. The thrust at those Democrats who deprecate Hill's early convention trick, while they have nothing to say of his high crimes and misdemeanors, is timely and well merited."

In my annual report, dated January 12, 1893, I again pay my respects to Governor Hill. He had then just been elected United States senator by the tainted legislature. He has never since held a public office.

I prepared, and the committee reported, several other reports for the club, all of which were adopted, except the one on the annexation of the Hawaiian Islands, which was defeated at a meeting slimly attended. It is gratifying to reflect that the islands have since been annexed. The opponents of the report had too narrow views of the progress of events.

In the winter of 1894 I prepared and submitted to the committee of the club a proposed report entitled "Municipal Reform," which I have included among these papers. No arguments or entreaties on my part would induce the committee to adopt it. They seemed to think it too radical. With great reluctance I was compelled to abandon it. I thought it at the time, and still think it, one of the best papers I ever prepared. I considered seriously the question of submitting it to the club as my minority report, but out of deference to the views of my associates I did

not do so. There again I weakly yielded my judgment to my associates. Timid good men again defeated me. They did not forecast what was to follow as clearly as I did. In the following autumn I saw my ideas carried out in the canvass that elected Mayor Strong.

In the following year, 1894, the Constitutional Convention of New York State amended the constitution on the lines indicated in my proposed report. The course of our committee on the Charles Stewart Smith resolution, upon which this report was prepared, was a subject of frequent conversation in the club by leading members. I was asked so often why we took the course we did, and I as chairman was prodded so much on the subject that finally, in the autumn of 1894, I determined to clear my skirts of all responsibility in the matter by showing my proposed report to a few friends. I first showed it to Mr. Appleton, who with my consent sent it to Charles Stewart Smith. Mr. Smith returned it with the following note:

“ 25 West 47th St.,

“ November 16—94.

“ My Dear Appleton—

“ I am very much obliged both to you and Mr. Hinsdale for giving me the privilege of reading the report which he had intended, if other members of his Committee had supported him, to submit to the Club. I am glad to know that Mr. Hinsdale had the prophetic vision to see what the year had in store, at least to some extent. None of us could have anticipated the grand result of the 6th of Nov. I am only sorry that the U. L. C. did not lead in the union movement that dethroned Tammany, because it would have been in accordance with its early

traditions and actions. It lost an opportunity which that old foggy body the Chamber of C. seized.

"Yours truly,

"Charles Stewart Smith.

"Danl. F. Appleton, Esq."

The proposed report was then sent to the Hon. Joseph H. Choate to read. He returned it with the following note:

"31st Dec., 1894.

"My Dear Hinsdale—

"This is the day to do things we have left undone too long. I return your report which I have perused with great pleasure. It reads like a prophecy in the light of recent events.

"Yours very truly,

"Joseph H. Choate.

"E. B. Hinsdale, Esq."

At the time the committee rejected my report I was very much hurt and disappointed. It seemed to me a poor reward, after so much labor and thought bestowed upon it, to have it thrown aside by a body of well-meaning men who had no perception of the trend of events at that time. During the time of my chairmanship I prepared an address for the club to Hon. William M. Evarts on the occasion of a reception given him by the club after his election to the United States Senate. On the death of John Bright I prepared a paper for the club, in which I tried to give expression to the general feelings of that body on that occasion. Mr. Bright's course during our Civil War had won my highest admiration, and I was glad to be called

upon to render that humble tribute to his memory. The club adopted the paper, and caused it to be beautifully engrossed in a book and transmitted to his family. Mr. Bright's course during the war was in such marked contrast to that of Mr. Gladstone that while the latter was disliked and suspected, the former stood on a high pedestal in the estimation of all loyal citizens, and they felt that they owed him a great debt of gratitude.

## CHAPTER XI

### COURT OF SPECIAL SESSIONS

In the winter of 1895 the legislature abolished the old Court of Special Sessions and created the present court, organized on a new and untried basis. There is not another court like it in the United States. Mayor Strong had the power of making the appointment of the justices. Great public interest was taken in the expected appointments. The press of the city published many articles on the subject. I recall two letters, one from ex-Judge Noah Davis and one from A. S. Hewitt, former mayor of the city, in which each stated that it was the most important court in the city of New York, and urged the mayor to give the court such justices as would have the confidence of the public. At the time, I thought the estimate of these gentlemen as to the importance of the court very extravagant. After an experience of over six years in the court my own estimate of the importance of its work for the peace and good order of society is greatly advanced. Its power is far-reaching, and its jurisdiction is over about 2,500,000 people. It is practically the court of last resort to a greater number of persons who come before it than any court in the State. While the right of appeal exists it is rarely availed of. In my own experience, while I have been presiding during over six years there has been but one appeal taken, and the judgment in that case was affirmed unanimously by the Appellate Division of the Supreme Court and again by the Court of Appeals.

When the subject of appointments to the court was being considered by the public generally, my friend Joseph H. Choate casually suggested to me that I be a candidate. I did not take kindly to the idea, and put the suggestion aside. Later Mr. Elihu Root urged me earnestly to take the place, and said: "What is the use of getting control of the city unless we can induce men like you to take office?" I finally had an interview with Mayor Strong on the subject, and told him that if he saw fit to appoint me I would accept; but I said: "No petition shall be circulated with my consent asking for the place, nor will I so much as turn my finger over to get it." "Well," he replied, "won't you at least write me a letter that you will accept the appointment if I wish to make it, so that I may have something to go on?" He made me no promise, and I did not suggest to him that I wanted one, and I knew nothing about what he was thinking of doing unless an inference was to be drawn from his asking for a letter. I wrote such a letter, and so far as I know that was the only paper he had to support him in the nomination of myself for the place. For a period of about two months before the appointment was made I met him frequently in the club after that interview. While we talked in a social and general way neither of us ever by any word, hint, or suggestion referred to the subject. I never asked anybody to interest himself for me in the matter. It was not until the appointment was announced to the public that I knew anything about it. I cannot deny that I was pleased to get the highest place on the list of justices, coming as it did without an effort on my part to get the same. The court consists of five members, and when I became acquainted with my associates I found them a body of men honest, earnest, competent, and faithful in the discharge

of their duties. My association with them, and each of them, has always been most agreeable. They honored me with the position of presiding justice. If I mistake not, the court has attained a high place in the estimate of the public. There is one feature of a criminal court the existence of which I was not aware until I had experience of it. The conception I had of a criminal court before I went into the Court of Special Sessions was that it was a place for harsh judgments only, that somehow it was a cruel machine, executing the severe mandates of the criminal law without much regard to the benevolent impulses of our natures. The field for the exercise of all the better impulses of humanity by the court had not been suspected by me. My civil practice of a lifetime had led me to see rights adjusted without much sentiment. The civil courts deal mainly with things, not with human beings with souls and sentiments and a life before them. There is not much room for sentiment in the question whether things properly go to one litigant or another. A person in civil courts may think in a particular case that justice or injustice has been done, but that is all there is to it in that line. Not so in a criminal court. There is not much trouble in disposing of old and hardened offenders, but when the young, the first offenders, who had theretofore led an honest life, are found guilty, then the first question that arises is what can be done to save them. What does the safety of society require? Prisons are not reformatories; character is not built up and strengthened there. The future of this class of offenders at once presses home upon the conscience and judgment of the judge. Kindness reforms faster than severity. We have found that the lesson of trial and conviction has been lesson enough to the vast majority of these cases, and the court has exer-



cised its power to suspend sentence freely, and has probably let a greater number of young and first offenders go at large under a suspended sentence than has any other court in this country. It is probably far within the limit to say that we have discharged in this way more than ten thousand such convicted persons, nearly all of whom are leading correct lives so far as we know. Occasionally we get one back, and then he is dealt with severely. We have from the first been greatly aided in the work of reforming offenders by Mrs. Foster, known as the "Tombs Angel." Her benevolent devotion to the criminal classes worthy of help cannot be too highly commended. Mr. Willard has for the last two years devoted his services to the interest of boys, and has been of great service to the court.

When I went into the court it was with great misgivings and doubts as to the wisdom of the step, but I have learned to like the work. I do not think I am a very benevolent person, but somehow it does warm my heart to steadily try to save all I can of the young from growing up to be hardened criminals. It seems to me to be a pretty good and important work for this city.

## CHAPTER XII

### REFLECTIONS

The reflections of a man in mature years, in good health and spirits, still active in the affairs of life, are very different from the reflections of a young man of twenty or twenty-five years of age. The mature man's thoughts are largely in the retrospective. The young man has not much field for retrospection, but is peering earnestly into the future to try and see what is before him. He sees all around him an active strife. Most of the men seem to have found the place for them to work. He looks earnestly and anxiously for the rift in the close line of combat into which he can enter to do his work. Alas, how long and eagerly do many spirited young men look and never see the place that they are fitted to fill! I often think there is no class of men more to be pitied than young men, not boys, but young men striving to get started in life's great work. If the story of their sad thoughts and discouragements could be told it would excite the greatest sympathy, but they are generally endowed with hope, courage, and endurance. They do not murmur or yield, and at last a fair measure of success comes to substantially all who are worthy of success. I am not among those who believe that in this age and country a man can entirely fail if he is worthy of success. It will generally be found that the so-called failures ought to have failed. It will be discovered that they lacked the grit, the perseverance, and character to

win success. The battle of life is no amateur performance; it is real, earnest, and persistent. The measure of success is always uncertain, but some respectable measure of success is within the reach of all if they strive properly for it.

The mature man of seventy retrospects. The battle of life is not before him but behind him—nearly finished. A few thoughts of how he will finish the contest may come to him, but no such earnest planning and striving to find a place to work as the young man has to encounter. If he did not find something to do years ago, he never will; too late to think of a new career; no chance to change the trend of life; the pace has been set for him; it is a question of finish now. I have reached the age when I am retrospecting. As memory slowly unwinds the skein of life I see many mistakes, errors, and lost opportunities. The one clear line I see is that as far as light has been given me to see the right of any question I have allied myself with that side. I have striven to do my duty with integrity and justice to all. I am an undoubted optimist. It seems to me that the world and our country have made wonderful advances since my early days. The material advances since I can remember are simply indescribable. It would be hackneyed for me to try to recount them; such advances are known to all. The intellectual and moral condition of the world has advanced. I believe the forces for good are more than a match for the forces for evil. All evil forces now, if I may use such a metaphor, are skulking, fearing all the time a blow from the forces that make for righteousness. I believe the most important thing now is the education and training of the young—mentally, morally, and industrially. The churches, in so far as they are teaching sound morals and pure religion

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as the rule of action in life, are doing a grand work. In so far as they are battling for dogmas, creeds, forms, and ceremonies they are doing much hurt. It is pitiful to see so many men of giant intellects and integrity of purpose working and striving for things that ought to be cast into the tombs of past scholastic learning as questions of no importance in this age. It is hard for me, after a lifetime of close attention to the subject, to understand how modern church organizations, with all that they do and teach, have been built up out of the simple story of Christ's life and teachings. He stated the whole subject in those wonderful words, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the Prophets." I never read these lines or hear them read without a renewed effort to comprehend their far-reaching and wonderful import. The first is subjective, and defines the frame of mind one should carry through life—that of reverent love for his Creator. The effect of this as a refining influence upon character cannot be estimated. The second is both subjective and objective. It softens and refines the character of one who tries to live up to its requirements. The practice of its precepts by any one reaches out in all good works to all within the spheres of influence of such a person. The general practice of the precept would burn out all crimes, frauds, cruelties, and other evils, and universal peace and amity would prevail. If in the later years of my life I have been less inclined to regard creeds, dogmas, forms, and ceremonies of as much importance as I once did, it is because of this passage I have quoted above. It has impressed me with

the nothingness of all beliefs and creeds in comparison with its simple teachings. It appears to me that the frame of mind inculcated there is about all any human being can attain to. If I am wrong that that covers the whole ground, I have high authority for my belief. It is astonishing how much of fetish and tradition has come down to us from unknown past ages, from no one knows where, like logs and driftwood on the seashore. They have been polished up and worked into our modern civilization. Perhaps it is best to have them there for a time in our present stage of development. We are more refined about it, but we are not far removed from idolatry and the worship of sticks and stones. As I understand it, religion and education are to build up character for this world. I have never yet met the man who was quite sure of the exact nature and environment of our future life. We all hope for a higher and better future life, and it seems to me the best preparation for that unknown change is to live and act the highest type of life attainable in this world, each one doing his duty in his station and calling. We seem to be placed in this life in a state of mutual dependence one upon another, interlocked and affected by those around us in a multitude of ways. It is important that each person sees to it that his or her influence, be the same much or little, is always making for righteousness, justice, purity, integrity, industry, and all other virtues.

Education in the broadest sense is the basis of character, and all the future hopes of our country depend upon the education of our children. Soon all the great affairs of this country must be in the hands of those who are now only children. I have lived long enough to have seen every prominent man in this State who was active in public affairs in my early life, between Buffalo and Montauk,

swept off the stage. I have witnessed the great change, and in recalling the long list of the dead solemn thoughts come to me as I contemplate it in my present retrospection. To my mind the educator, the school teacher, has the most important calling in this life. I use the word educator in its broadest possible sense, as including all teaching, whether by active work in that calling or by influence or example.

I am prone to rumination and reflection. Perhaps it is a bad habit. Perhaps I have put down here already too many of the reflections that pass through my mind as I sit alone in my library smoking my favorite meerschaum pipe.

New York, December 4, 1901.

## **REPORTS AND DOCUMENTS**





## NORTHERN INTERFERENCE WITH SLAVERY

*Appeared in Le Roy Gazette, Wednesday, May 27, 1857*  
*Official Paper of the County*

The lengthy communication under the above heading we insert at the request of an esteemed friend, for whom as a man we entertain profound respect. As a politician we entertain an equally profound dissent from his principles. We do not propose a lengthened discussion of the whole field of the above articles to show their weakness in logic and their falsity in fact. It would take more time and space than would be agreeable to ourselves or to our readers. We cannot refrain, however, from an exposé of one or two of their errors, which we think will wholly destroy the force of their reasoning.

"Article No. 2" labors hard to prove the inferiority of the African race. It endeavors to show that the "capacity of the negro is low for the arts and sciences." That "in morals both social and political his mind is as dark as his body."

By the use of the above language it is admitted that the negro has a "mind," that he has some "capacity for the arts and sciences," and that he has some "morality." The argument is simply this: Because these capabilities are "low," therefore it is morally right to make a slave of the negro.

The argument proceeds solely upon inferiority in quantity, and not difference in quality or kind of mental powers.

The right to hold to slavery it is not now pretended rests upon color of skin. That ground has been abandoned by the South in some of her late shifts. Now, if there is any force in the above argument, it must apply to all alike, without regard to race or color, whether white or black. If such a principle is applicable to a race as a whole, it must be applicable to each individual of the race. Under such reasoning whoever can show superiority of intellectual powers can show a patent from the Almighty to hold any of his fellows who are below him in capacity as his slave. Such new-fangled logic renders phrenology of immense importance to the human family. If that science be true, we have only to obtain correct charts of our heads to ascertain whether God designed us for slaves or for freemen. It is a gross error to suppose that those only are equals in natural or personal rights who are equals in mental and moral capabilities. This distinction we fear is not always made in the argument of this question. Equality of personal rights, in a moral point of view, has nothing to do with equality of mental powers. The great mass of mankind in "capacity" are by no means the peers of our Adamses, our Jacksons, our Websers, our Hales, and our Seward. Still their natural and personal rights are just as sacred and just as many as the rights of the greatest men. It is the glory of our country that the weak and the low are protected in their personal rights equally with the strong and powerful. The position of our Southern friend is simply that "might makes right."

But, further, our esteemed friend's argument proves too much for him. If it be true that in a moral point of view the right to hold the blacks as slaves rests upon the inferiority of the negroes in "mind" and "capacity," then the converse proposition must be true also—that those

slaves who do possess minds of good natural powers they have no moral right whatever to hold as slaves. This is a legitimate conclusion from his position. We have a right to ask that those mixed bloods of the South be freed from their bondage who possess as good natural powers as the great body of the whites. Will our friend, to be consistent, advocate the emancipation of this class?

It will be observed that we do not now examine that part of the above article which touches upon the legal right to hold slaves. As we said at the outset, we cannot now go over the whole field.

It is a matter of great significance that in this enlightened age and country so many men can be found ready to support and defend that old and hoary crime—slavery. Why men will call evil good and good evil, and will put darkness for light and light for darkness, bitter for sweet and sweet for bitter, is to us inexplicable. It is in vain to appeal to the free thinkers of the North to respect this giant wrong because of its antiquity, and equally vain to expect them to be awed into silence by its colossal proportions. There is a law “higher than the Blue Ridges of Virginia” to which all human society must submit, willing or unwilling. That law is first pure and then peaceable. Peace before purity cannot be.

Our friend is right in saying that oppressed races who have attained “preëminence have ever thought and fought their own way.” Aye, in truth the slaves will think for their freedom, and sooner or later, if need be, will fight for it. Those insurrections mentioned in “Article No. 1” tell not of Northern “emissaries” and “incendiaries,” but point rather to the working of the slave mind, thinking and preparing for the fight. Dreadful will be that contest when it comes. It will cause deeper emotions than

"sincere regrets." There will be lamentations and weeping. Our Southern friends will then have to fight, not Northern "abolitionists," but their own "choice field hands," their own "blacksmiths," and their own "mechanics," whose bodily frames will be well developed for deeds of physical prowess. We of the North would save our brethren from so dire a ruin, but they seem determined to engulf themselves—for they refuse to let the people go.

## CONSTITUTIONALITY OF CONSCRIPTION

This cry of the unconstitutionality of the draft is so persistently made by Copperheads and the rebel sympathizers that not unfrequently loyal men, and law-abiding men, are found almost ready to bend before the clamor and half believe there is really something in the objection. We do not propose to discuss a constitutional question before a mob who are organized for the purposes of resistance, nor do we expect to check the cry of a single rebel in this city or the country who, with his Jesuitical respect for law, clamors continually about the unconstitutionality of the draft. Our purpose is to call the attention of our intelligent readers to the sections of the Constitution which empower Congress to raise armies, and make a few suggestions so that they may meet this attempt of Copperheads to create a public sentiment that the general government is going to press through an unconstitutional act. Fortunately, on this question there is no nice legal point that may require the acumen of the judiciary to determine, as in the legal tender question. The power is so plainly there that none but a captious man or rebel sympathizer would ever think of making such an absurd objection.

Section 8 of Article I. of the Constitution is divided into seventeen subdivisions. The 11th subdivision provides that Congress shall have power "to raise and support armies." The 12th subdivision gives power "to provide and maintain a navy."

The 17th subdivision gives Congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

No power is given here to the President to raise armies, but it is given to Congress. Congress has passed the laws that they deem "necessary" according to subdivision 17th. Not one word can be found in the Constitution fixing the number of the men in either the army or the navy nor the time of service. That is left to the representatives of the people when assembled in Congress. It is asserted that this power to raise armies refers only to what is known as the "standing army." This is a mere assumption. The term "standing army" nowhere appears in the Constitution. The standing army is but the creature of Congress, created under the above powers. The same Congress may make the laws which will create a standing army, a volunteer army, and a drafted army. The words "to raise and support armies" are the most sweeping that could by any possibility have been chosen, and stand unqualified in their bold and naked power. Congress only can give direction to this power by making the laws which shall be "necessary and proper for carrying into execution" such power.

The 14th subdivision of the same section says that Congress shall have power "To provide for the calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

There is an additional power, but it in no manner abridges the other power above referred to. But this section does not say the militia of the States. The word or the idea "State" is an interpolation. At that time it was expected that the militia would be organized under United States laws and would be the militia of the United States.

This is evident from the next, the 15th subdivision, which says that Congress shall "Provide for organizing, arming, and disciplining the militia." Congress never has done this, but left the militia organizations wholly to the States. There would be much more sense in claiming that the general government could not call on the "State" militia. That having neglected to "provide for organizing, arming, and disciplining the militia," there is no organized militia for them to call on. The whole drift of these provisions is to put the armed power of the land—militia included—into the hands of the general government. After the adoption of the Constitution by our fathers, they saw that these provisions put all military power into the hands of the general government, and immediately they amended the Constitution so as to enlarge the powers of the States, and among the amendments they adopted Article II, as follows: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

This amendment does not deny to Congress the power to raise and maintain armies in any manner they may see fit; it only secured to the States the right to have a "well-regulated militia." If the Constitution had provided for only a militia force, to be called on by Congress, and had declared that the several States should "arm and discipline" the militia, then this insane cry of the unconstitutionality of the conscription would have something to stand on. Fortunately the Constitution lodged the power to raise armies in Congress without prescribing the method, and declares that Congress shall make the laws necessary to do so. All this talk about the necessity of the general government calling on the States for their quota is the

mere clap-trap of the politicians. That it is not a convenient and proper mode of proceeding we are not arguing now. We only say that it is not a necessary way—that the Constitution does not require it.



## NEW PARKS

### THE HISTORY AND USES OF THE "SINKING FUND FOR THE REDEMPTION OF THE CITY DEBT"

*The New Parks in the Twenty-third and Twenty-fourth Wards of the  
City of New York and in the Adjacent Territory of Westchester County*

Chapter 522 of the Laws of 1884, adopting the new parks, is established law, and has been since June 14, 1884.

The legislature adopted the report of the commissioners, appointed under the Act of 1883, locating and bounding these parks. This was done upon the fullest consideration; all parties were repeatedly heard, in committee and before the governor; all questions now raised (except in regard to the constitutional amendment) were fully discussed by the press, the commissioners, the mayor, corporation counsel, land owners, taxpayers, and financiers, and thereupon it became a law. This act also devised the legal means for their acquisition by proceedings through the courts. The plan provided that after an appraisal which is now in progress, the lands to be taken should be paid for by bonds to be issued by the city of New York, at thirty years, at 3 per cent. per annum.

A question is now raised as to the power of the city to issue the necessary bonds by reason of the amendment of the constitution which went into effect January 1, 1885, which provides that "no county containing a city of over one hundred thousand inhabitants, or any such city shall be allowed to *become indebted* for any purpose, or in any

manner to an amount which, including *existing indebtedness*, shall exceed 10 per centum of the assessed valuation of the real estate \* \* \* as it appeared by the *last assessment*," etc.

(In this discussion of the indebtedness I shall refer to millions in round numbers for convenience' sake, omitting generally odd amounts.)

It is conceded that on the last reported valuation the constitutional limit would have been reached if the indebtedness was \$117,000,000. It is in like manner conceded that there is outstanding in the hands of creditors but \$92,000,000 of bonds, and in the hands of the Commissioners of the Sinking Fund uncanceled bonds to the amount of \$34,000,000, which have been paid with the city's money.

If these last bonds *are* to be counted as a part of the debt of the city, then the city owes \$126,000,000—and has now a debt of \$9,000,000 in excess of the constitutional limit. If these uncanceled bonds in the hands of the commissioners are *not* to be taken as a part of the debt, then the city may issue at once \$25,000,000 more bonds before the full limit of 10 per cent. is reached.

I have examined the city ordinances since the foundation of the present financial system creating the Board of Sinking Fund Commissioners, and all the laws and authorities that I can find, or that have been referred to by the supporters of the theory that our *debt* is \$126,000,000, and am clearly of the opinion that there is no foundation for the claim that the city is in debt, whether in fact, or by way of pledge, *in any sum* exceeding \$92,000,000.

It is due to the importance of this question that I should state briefly the reasons that have brought me to this conclusion.

To understand the working of any sinking fund it is necessary to examine the contracts, resolutions, ordinances, or legislative acts, as the case may be, that lie at the foundation of each particular scheme. There is no general rule applicable to all sinking fund schemes alike, except the one general rule that the funds in each case must be applied in accordance with the contract, resolution, ordinances, or legislative acts governing each individual case. A mode of marshalling funds that would be proper in one case would not be proper in another; hence the necessity of examining the *foundation* of the New York City sinking fund scheme.

On June 8, 1812, the legislature passed the first act, authorizing a city debt of \$900,000. By the ninth section it was provided: "That the faith of the said mayor, aldermen, and commonalty of the city of New York shall be pledged for the final redemption and payment of the stock which shall or may be created pursuant to the provisions of this Act; and that all and singular the *revenues* of the mayor, aldermen, and commonalty shall be and they are hereby appropriated and pledged for the payment of the interest which shall become due on the said stock, and shall continue so pledged until the final redemption of the said stock."

It will be seen that here is a *pledge* of the *revenues* to two purposes: first, the payment of the interest; second, the "final redemption" of the stock.

At that early day the mere *pledge* of the corporation to devote the *revenues* of the city to the above purposes did not satisfy creditors and sustain the credit of the city stocks. After a trial of one year, and on the 13th of August, 1813, the corporation of New York passed the first ordinance establishing a Board of Sinking Fund Commis-

sioners and declaring their duties and functions. The ordinance recited "that it was highly desirable to establish a fund, out of which purchases of the New York City's stock may be made from time to time, whenever the same can be done at par or the true value thereof; whereby the said stock will be prevented from depreciating, and the *redemption* of the same will be *regularly progressing*." Therefore it was ordained: "That all moneys heretofore received, and hereafter to be received, for commutation of quit rents on grants issued prior to the year 1804; all quit rents arising from such grants as shall not be commuted; and all moneys heretofore received and hereafter to be received for licenses to pawnbrokers and dealers in the purchase or sale of second-hand furniture, metals, or clothes; for hackney coach licenses, and for street vaults, all market fees and market rents; 25 per cent. on all sales of real estate belonging to the corporation, and hereafter to be sold—and all such other sources of revenue or sums of money as the said corporation shall hereafter think proper to appropriate for that purpose, shall be and hereby are firmly pledged, appropriated, and applied to, and shall constitute and form the fund for the purpose aforesaid, *until the redemption* of the whole of such stock." By the second section, the mayor, recorder, comptroller, and treasurer of the city, with the chairman of the Finance Committee for the time being, were constituted a board to discharge the trust and duties imposed by the ordinances, to be denominated "The Commissioners of the Sinking Fund for the Redemption of the New York City Stock."

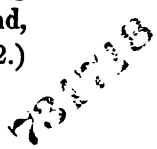
In this ordinance we find the foundation upon which the whole structure of the present financial system of New York stands to-day. It contemplates, first, securing to the creditors that the pledged *revenues* shall go to a

“board” to discharge the trust; second, it designates the twofold character of the trust—viz., to pay the interest as it accrues, and to purchase stock from “time to time” so that “the *redemption* of the same will be *regularly progressing*.”

Other ordinances and laws have since been passed, but none that change the scheme or plan here laid down. Purchases of stocks or bonds of the city are not investments of the funds of the city, but are an application of those funds to the “regular” and “progressive” *redemption* of the city’s debt. A city bond once in the hands of the Sinking Fund Commissioners is from that moment a *redeemed* bond, *redeemed* with the city’s revenues pledged for that purpose, and placed in the commissioners’ hands to be so applied.

Various other loans were authorized between 1812 and 1844, all upon the same plan as the loan of 1812, pledging the same revenues, and *other revenues*, but in each case preserving the priority of lien of the respective loans. The principal debt authorized during that time was the Croton water loan of 1834 for \$2,500,000. The demands upon the sinking fund increased from time to time as the debt of the city increased, and to meet such demands other pledges of *revenue* were made to the sinking fund. Among the methods adopted to increase the “sinking fund” was a pledge of the interest on the *redeemed* bonds held by them. The system of pledging interest to accrue on the *redeemed* bonds took form in the following ordinance:

“The city stock which shall be purchased by the commissioners shall not be cancelled by them until the final redemption of the said stock, and all interest accruing thereon shall be regularly carried to the said sinking fund, for the city debt.” (Ordinance of 1859, Chap. 9, § 12.)



It will be observed that the *principal* of these *redeemed* bonds is not pledged for any purpose whatever. They are left uncanceled so that the accruing interest may *form the measure* of an additional stream of revenue to the fund for the "*redemption* of the city debt." There is no suggestion of a pledge of the *principal* of these *redeemed* bonds for *any* purpose. Although *redeemed* and paid, they are to remain uncanceled, so that the accruing interest *may measure* a fund to be applied to the *redemption* of other bonds.

The suggestion that "they shall not be cancelled" shows the utter worthlessness of the bonds after their *redemption*. If they had any *value*, it is strange that the Common Council should have felt called upon to pass a solemn ordinance forbidding the cancellation of good securities that were held in pledge. As well pass an ordinance directing the commissioners not to burn bank bills belonging to the city. They are only held uncanceled by virtue of the ordinance.

The argument that as soon as a city bond passes into the hands of the Sinking Fund Commissioners it is *ipso facto* from that moment *redeemed*, is further confirmed when we consider that as far back as 1844 the *revenues* of the sinking fund were divided into two parts: one part was devoted to the payment of the interest, and the other to the *redemption* of the city debt. This division is kept up to the present day. Two accounts are kept by the comptroller; one entitled "revenues of the sinking fund for the *redemption* of the city debt." The revenues in this account from twenty-five different sources, reported in 1883, were over \$7,000,000. The other account is entitled "revenues of the sinking fund for the payment of interest on the city debt." The revenue in this account

was in 1883 derived from eleven sources and amounted to over \$2,436,000.

The revenues for the redemption of the city debt are increasing at the rate of more than \$500,000 per annum, so that if past experience is a guide we shall soon have a redemption fund of \$10,000,000 each year.

Can it be contended that a debt is any the less redeemed and paid because paid out of the cash revenues of the city in advance of the due day printed on the bonds?

Some very absurd conclusions result from holding that a bond *paid for* out of the revenues of the city devoted to the redemption of the city debt is not redeemed, but is still a debt of the city. The holders of this theory tell us that the net debt is \$92,000,000, but the real debt within the meaning of the constitution is \$126,000,000, because the Sinking Fund Commissioners hold \$34,000,000 of uncanceled bonds. Very well, suppose the city collects in a day \$92,000,000, and pays all the bonds not in the hands of the Sinking Fund Commissioners. Will the city then owe \$34,000,000, when no human being can for any purpose whatever collect one cent of the \$34,000,000? How, then, can the city be in debt within the meaning of the constitution \$126,000,000 and yet be able to get out of debt by paying \$92,000,000? But, again, suppose the Sinking Fund Commissioners within the next ten years, with its magnificent revenues, are able to increase their holding of uncanceled bonds, so as to absorb all the bonds, and they shall be able to show in possession \$126,000,000, instead of \$34,000,000 as at present, and suppose there are no other bonds outstanding, will the city be in this anomalous position, that it will not owe a bond to any creditor, and yet by reason of these *redeemed* bonds being uncanceled in the commissioners' hands, still

be in debt \$126,000,000 within the intent of the constitution?

The fallacy in the reasoning of those who contend that the city debt is \$126,000,000 consists in calling the *redeemed* but uncanceled bonds in the hands of the Sinking Fund Commissioners "assets" or "investments." They are neither the one nor the other. They were simply in the hands of the commissioners evidence that the annual resources of the city devoted to the "*redemption* of the city debt" have been so applied by the commissioners, and that in the language of the old ordinance of 1813, creating the Board of Sinking Fund Commissioners, the "*redemption of the same will be (has been) regularly progressing.*"

When the day arrives for these uncanceled bonds, by their terms, to fall due, they *expire*, by their own limitations, *without* the payment of *another* dollar. Then, according to the theory, \$34,000,000 of indebtedness is *wiped out without payment.*

The argument that has been advanced, that because in one contingency these bonds may be reissued by the commissioners, that therefore they are not to be considered as redeemed bonds in the commissioners' hands, is not sound. There is only one contingency in which they may be reissued, but they can never be reissued so as to again *add* to the volume of the debt. To illustrate, if there is presently due, say \$10,000,000 of bonds, and the revenues of the commissioners are not sufficient to pay the \$10,000,000, the commissioners can undoubtedly reissue from their *redeemed* bonds that have a long time to run a sufficient amount to enable them to take up the *earlier* maturing bonds, *which, when taken up, are cancelled.* By this process no increase is made to the debt, but the day of



payment is postponed. The debt is the same in amount as it was before the reissue. The particular piece of paper called a bond changes its character under such circumstances from a *redeemed* bond to a lawfully issued bond by a new contract, and then represents a liability of the city.

This is a valueless power in the hands of the commissioners, because the cash revenues of the sinking fund applicable to the redemption of the city debt for the next twenty-five years will exceed the amount of bonds that will mature each year during that time.

Although not strictly germane to the legal argument, I cannot refrain from expressing my astonishment at the soundness of the finances of the city after a somewhat careful examination of several reports of the comptroller made from time to time. The net debt of the city in 1876 was \$115,000,000, the largest sum it ever reached. At the present time it is about \$92,000,000, showing a reduction of about \$23,000,000. Formerly the city paid 6 and 7 per cent. interest; now the rate is being gradually reduced to  $3\frac{1}{2}$  or 4 per cent., as bonds bearing a high rate of interest fall due. On the other hand, the assessed valuation in the city for five years has increased at an average rate of over \$46,000,000 a year. Since 1876, when the debt was the highest, the taxable values of real estate have increased \$282,529,720. The revenues of the sinking fund applicable to the redemption of the public debt have risen since 1880 from \$4,951,237.04 to \$7,355,064.17 in 1884. With such a financial showing there is no reason why the city should not secure to itself such needed advantages as its future growth will require.

The attempt, by alarming the taxpayers, to defeat or repeal the New Parks Act, on the ground of want of ability

in the city to pay for them by its bonds, falls to the ground.

The city will never again be greatly overburdened with debt by its needed improvements. Its financial condition is so sound that its only danger can arise from corruption, jobbery, and extravagance in the administration of its affairs. The people will always do well to watch the administration of the affairs of the city, but need feel no alarm at the progress of needed improvements, so long as they are going forward honestly and economically, as the like improvements would go forward in the hands of a private citizen. The mayor who will give us such a business administration would earn a lasting fame and endear himself to the people.

## LAND TRANSFER REFORM

The undersigned, members of the Committee of the Bar Association appointed on the 11th day of January, 1887, to examine into the whole subject of proposed reform of land transfers, are unable to agree with the report made by the majority of this committee in favor of the so-called lot plan. As stated in the majority report, the committee are unanimous that the block system would be a great improvement upon the present system of land registry in this city, and would obviate the chief difficulties that now interfere with the easy and rapid transfer of real estate. The committee divide upon the question as to which of these two modes would be the more practicable and easily administered and understood by the public. For the purpose of showing the grounds for the dissent of the undersigned from the report of the majority, an examination of some of the provisions of the bill now pending before the legislature and called the "Lot System Bill" should be had.

In the lot system, it should be borne in mind, two things must concur to make a record of a transfer of real estate. The making and recording of a deed have no effect under that system of giving notice, but, on the contrary, a deed left in that position alone has only the effect of an unrecorded deed. We turn, therefore, to the bill to ascertain what it is that is to give vitality and force to this usual act of recording. By Section 6, the deed, mortgage, or other instrument to be recorded is called the "chief instrument."

There is to be affixed thereto another instrument, which is to be in writing, subscribed by one or more of the parties to the chief instrument, or his or their agent or attorney, duly acknowledged or proved, specifying the lot number which is intended to be conveyed. The purpose of this secondary instrument is to specify the particular lot upon which the chief instrument is to take effect by way of conveyance or lien. It must be remembered, therefore, in the discussion of this bill, that at all times, to effect legal notice of any transaction in real estate, two instruments are to be prepared: the first of no validity whatever for purposes of notice, the second one to give validity to the first instrument as notice. It becomes, therefore, of vital importance that the second instrument shall designate with absolute certainty the lot upon which the chief instrument is to take effect. And here comes one of the great difficulties of the lot system. Confessedly, there are no correct maps of the lots in the city of New York. It would be a formidable undertaking to make a survey of every lot; moreover, it is not easy to see how any act could be framed authorizing any surveyor or body of surveyors to survey and fix the boundaries of the lots so as to bind all parties in interest. To meet this difficulty, the scheme of lot transfer recurs to what are known as the tax maps of the city of New York, and provides that two duplicates of those tax maps shall be transmitted to the Register's Office for the purpose of serving as maps of approximate accuracy on which to designate lands conveyed or encumbered by the chief instrument. One of these maps is to be devoted to conveyances, the other to mortgages, in the Register's Office. The vital point of notice, therefore, turns upon the accuracy of these maps. As they are confessedly unreliable, the bill provides that when the second

instrument is filed with the chief instrument it may designate as many lots as the party may elect to designate, so as to be sure that his designation shall certainly embrace all the land within the metes and bounds of the chief instrument. If, however, in the opinion of the conveyancer, the lot described on the tax map shall coincide exactly with the metes and bounds or description in the chief instrument, he may then designate but that one lot; so that this system in its perfection will exist only in case of a perfect coincidence of lot with the description in the deed.

It would seem as if a person who had succeeded in getting once such a perfect record need never again have further trouble in the Register's Office touching the record of his title. An examination of the bill, however, shows that these maps, imperfect as they are, are subject to constant and curious changes. Section 4 provides that whenever the location or dimension of any lot on the tax maps shall vary materially from the location or dimension of such lot as actually in possession and enclosed by walls and fences, or a wall and fence, and such possession shall have existed for two years preceding the application; the owner of such lot may apply to the Tax Commissioners to correct the tax maps. His application must be based on an affidavit and survey of a city surveyor. Upon such application it becomes the duty of the Tax Commissioners to examine the matter, and, if they see fit, they may cause notice to be given to the adjacent owner, and the Tax Commissioners shall, in their discretion, make a change in the maps, so as to conform to what they believe to be the actual possession and enclosure, and make proper corrections on the tax maps. Thus it will be seen that an owner who has once got, by the con-

junction of a perfect tax lot with his description in the deed, a perfect record title for his land, is liable to be summoned to the Tax Commissioners' Office to defend, not his title, but that which is of almost equal importance, the record of his title. He may not only be summoned there once, but he may be summoned for this purpose by every adjoining owner. We think it would be a startling proposition to the holders of real estate in this city to know that, in subsequent years, after they had secured a perfect record title, at any time, at the instance of any adjoining owner, and of as many adjoining owners as they have, they must appear at the Tax Office to see to it that no changes shall be made in the map in the Tax Office which shall imperil the record of their title.

But there is a further difficulty about this notice to owners to appear before the Tax Commissioners whenever a change is to be made in a map. How is this notice to be given? Presumably by mail. But suppose that the owner is out of town, and, perhaps, spending his summer vacation in Europe. If he fail to appear or to have somebody represent him the adjoining owner may effect such changes in the map as he can induce the Tax Commissioners to make. Thus it would seem that no owner of real estate can be absent from the city for any considerable length of time without designating some agent who shall stand guard over the record of his title. But in all cases, whether the owner is in the city or absent, it makes him trouble to go personally to the Tax Office, or it makes him expense to employ an attorney or agent to go there. What would be the amount of this trouble or expense that would be put upon a land owner we will not venture to conjecture. It is enough that the scheme of the bill provides for some trouble and some expense to be incurred by every land

owner, even after he has once secured a perfect record title.

The loose and careless manner in which this bill was drawn on this point was so apparent to the Committee of Seven that they were unanimously of the opinion that, if the bill were to pass, it should be amended in two particulars. First, that the option given to the Tax Commissioners to notify the adjoining owner to appear should be taken away from them, and that that duty should be made mandatory upon them. Secondly, that the Tax Commissioners should preserve a written record of any change made by them, by an entry, fixing the date and time of such change. That was the best result that the Committee of Seven could arrive at. If the bill be treated as amended as recommended by the Committee of Seven, the difficulty is not overcome. It still remains true that the land owner is subject from time to time to be summoned to appear at the Tax Commissioners' Office, either in person or by attorney. He may then protest against the change as being adverse to his interest, but the change may, nevertheless, take place, and the record of the change shall be by such marks and in such words as the Tax Commissioners may see fit to put down; and these may not be satisfactory to the land owner as in his judgment serving as a sufficiently careful record of the change then made.

Thus it will be seen that a person may start with a perfect record and yet be called upon from time to time to preserve that record from change; and he may be compelled to witness such changes in the record as will be entirely unsatisfactory to him and leave him in difficulty at some future time to prove what was the exact condition of the map at the time he recorded his deed. In this city, where a foot of ground, or a few inches even, are of vast

importance, we should hesitate long before adopting such a system, unless there be some overmastering reason why it should be adopted.

Recurring again to the principle that a perfect record only occurs when there is absolute coincidence of description in the chief instrument with the designation of land on the map, it is interesting to see how this scheme provides for changes and almost mutilation of maps, and also provides innumerable chances for mistakes. If the maps, through incompetence, carelessness, or neglect of the persons having charge of them, be not kept and changed with absolute perfection, the system falls into confusion. By the first section of the bill it is provided that when new lots are formed out of previously existing plots or lots, entries shall be made thereon—which we suppose means on the map—but it provides that such entries shall be made in “different colored ink, or by a diagram or otherwise.”

As a specimen of loose description of the duties of an officer, we think this would stand out without parallel, if it once should appear on the statute books. It is notorious that inks change in color by time; therefore, so far as different colored inks are to play a part in the record of a land title, the provision is valueless. What the framers intended by providing first as to ink, then as to diagram, and then adding “or otherwise”—that is, that the change may be made otherwise than by ink or diagram—we do not know. It certainly would be “otherwise” to use an eraser; and, except for an amendment which is recommended by the Committee of Seven, we fail to see why it is not fairly within the provisions of this section of the bill that an eraser might be used.

The framers of the bill evidently contemplate that a



map may become so marked up and mutilated as to be unfit for further use, for they have provided in the same section that when, in the judgment of the superintendent of the Land Register, alterations and changes have been made so as to render it (the map) unsuitable and inconvenient to continue longer in practical use for reference, a new map may be made in place and stead of the old map, showing the several lots contained therein, with their location, dimension, and numbering at the time being, which is to be substituted for the old map. Here is a fine chance for mistakes and errors to be committed. To guard against this, the bill provides that the old map shall be preserved, to be referred to in case of need. We submit that, as the maps play so important a part in the record of title, such a substitution of a new one for an old one, made at the instance of the superintendent of the Land Register, perhaps by an incompetent person, is, to say the least, an unsatisfactory method of preserving record title.

It will be observed that, by the fourth section of the bill, changes are to be made from time to time on the map in the Tax Commissioners' Office; first, upon the application of an adjoining owner, as before mentioned; but the bill goes on to provide that nothing in this section contained shall impair or affect the right of the Tax Commissioners to make corrections on the tax maps without such applications as aforesaid. So that the foundation maps or the maps in the Tax Commissioners' Office are always subject to change by those officers. By the first section of the bill the curious scheme has been devised of having the changes that are made from time to time on the tax maps transferred to the Land Register Index and accompanying maps, so as to make the latter conform to the changes in the tax maps. All such changes, however, shall be made

to take effect as of the first day of September; but, in order to provide time for making such changes, it seems that this scheme allows the superintendent to begin making them on the first day of June preceding. There is a period, therefore, between the first of June and the first of September, during which it is not easy to determine which set of maps are to prevail, whether those that have been altered in the Tax Commissioners' Office or those that are undergoing alterations in the Land Register's Office, for section 4 provides that when changes are made upon the tax maps of the city of New York the Tax Commissioners shall give notice in writing to the superintendent of the Land Register of all such changes, with such specification or particulars in relation thereto as shall give to such superintendent the information necessary to enable him so to change the Land Register Index and maps as to make the same conform to such changes in the tax maps, but the superintendent, for the purpose of making such changes, shall likewise be entitled to full and free access to the tax maps. Now, as the bill in the same section provides that the Tax Commissioners may make changes in their maps at all times upon application of parties in interest, and the provisions last quoted above seem to contemplate that notice of such changes shall be sent immediately to the Land Register superintendent, to enable him to make changes to conform with the tax maps, the query arises whether he is to make changes from time to time during the year, or whether he is limited by the other provisions of the bill to make changes only between the first of June and the first of September. If the latter construction shall be maintained, the notices will probably accumulate in his office during the nine months of the year, and the changes would be gradually going on in the Tax Commissioners'

Office for the whole year, while in the Land Register's Office changes could only be made during three months. Thus the two systems of maps could only coincide during a short period of the year, and yet the foundation of title rests upon the tax maps. Here, again, is a great opportunity for confusion and mistakes through carelessness or incompetence.

Bearing in mind, again, that the essential feature of this system is that the chief instrument forms no function for purposes of notice without the aid of a secondary instrument to designate the lot which the chief instrument describes, we are brought to another curious anomaly in this system. If, by mistake, the lot designated by the secondary instrument in the first instance should happen to embrace only part of the area described in the chief instrument, at any time after the discovery of that mistake a new designation of a lot or lots is provided for in section 6. By such new designation the chief instrument becomes for all practical purposes a recorded instrument for the entire area embraced within it; so that a deed or a mortgage called a chief instrument may be recorded and may stand for a time as a recorded instrument giving legal notice against a part of the area described in the chief instrument, and, by a subsequent designation after a lapse of time, it may become a fully recorded instrument for the whole area. So that it may stand as notice to purchasers for part of the land embraced within it for a time, and then, by subsequent action, through another instrument, be expanded to include the whole land embraced within its description. During this interim, between the first imperfect designation and the second perfect one, all sorts of equities may arise in purchases of adjoining lots, which will present some very curious questions to be decided by

the court. A fee is prescribed of twenty-five cents for each plot mentioned in the first designation when the chief instrument is recorded, but if there has been a mistake made, and the purchaser or mortgagee desires to designate other lots to come within the scope of his chief instrument, the bill prescribes that he shall pay a penalty of two dollars for each lot indexed against by such supplementary designation.

There are many other criticisms that might be indulged in respecting the operations of this novel scheme in the Registry Office. We turn now to the consideration of the plan in its practical workings, outside of the Tax and Register's Office and with the public. When a deed is drawn in an office under the present system, after it has been duly executed and acknowledged, it may be sent to the Register's Office by any office boy, or any person of the smallest intelligence may be the messenger, who has no other duty to perform than to leave the instrument with the register, and, if required, at the time to pay the register's fees. This is simple and easy and well understood by the mass of people. But, under the system proposed by this bill, when a deed is drawn and duly acknowledged, trouble only begins. The map in the Register's Office must be examined with the utmost care down to the latest practicable moment before the deed is left for record, so that the secondary instrument shall designate the lot embraced within the deed with certainty, or otherwise there will be a failure of notice of the record of the chief instrument. It will not answer to send to a Register's Office any one but a careful and intelligent person to examine the maps in that office to see that the lots indicated shall embrace the entire area in the deed. Here is a new and important service to be performed out of

the office. The whole validity of the notice depends upon the care and accuracy with which this service is done, for the record of the deed goes for nothing unless this supplementary designation be perfect. So important did the framers of this bill deem this duty, that in section 6 they provide that this designation shall be in writing, subscribed by one or more of the parties to said instrument, or his or their agent or attorney, duly acknowledged or proved. So that, after the execution of the deed, or simultaneously therewith, this other instrument must be prepared and signed by the party, or his agent or attorney. Every land transfer is thus burdened, in addition to the service usually heretofore imposed upon it, with this new, delicate, and important service. It will be a long time before the public throughout this vast city will learn to know and appreciate the importance of this new method of securing the record title to their real estate. It leaves open innumerable chances for frauds and mistakes. Dishonest persons can prevent the full benefit of the Registry Act by inducing or conniving at imperfect designations. Careless persons will impair the efficiency of the recording act by careless and improper designation. It is no mean undertaking to educate a whole people up to a new and intricate system of transferring real estate, and it will be a long time before knowledge of this system can be disseminated to all the persons who, from time to time, prepare good and valid deeds for the transfer of property. Unquestionably many deeds will be left for record without proper designation of the property to be affected. The bill as proposed provides no remedy for this. The Committee of Seven are so impressed with the inconvenience and trouble that might grow out of this defect in the bill that they propose an amendment which would authorize

the register to make a designation in such case of neglect, but requires him to give notice by mail to the grantee, or his attorney or agent, of his action in the premises, and provides that, after giving such mail notice, the index of such instrument shall be deemed to have been made in accordance with the provisions of this act. In such case, however, the register is authorized to charge an extra fee.

In its practical working there is no doubt that maps would be freely issued, showing the block numbers covering the entire city, and would be accessible to most conveyancers. This would answer the purpose for the preparation of the deeds, but for the purpose of drawing the secondary instrument and designating the land on the maps in the Registry Office, every one would constantly be compelled to consult the maps in the Register's Office before the designation could be made out so as to complete a transfer of real estate.

So complicated is this system that the bill provides for the creation of two new officers, one designated superintendent of the Land Register of the city of New York, who shall be appointed for a term of five years, and shall be paid a salary of not less than \$7,000 nor more than \$10,000 per year. This superintendent may appoint a deputy, who shall be one of the city surveyors, at a salary of not less than \$5,000 and not more than \$7,000 a year. Thus it appears that the system is so complicated and difficult to administer that it requires at least two expensive officials to administer the same. Experience alone can tell whether they will not require many additional assistants to perform their arduous duties. The mayor of this city addressed a communication to this committee asking it to inquire as to the probable cost of inaugurating this novel system. The committee agreed that it had not suffi-

cient time to investigate this subject, and could not, therefore, report upon it, but all agreed that the expense would be necessarily very large.

No better illustration of the novelties and complications found in this bill could be given than the fact that your committee have had five sessions, many of them lasting until near midnight, all the members trying to understand the scope and meaning of the proposed bill. The bill requires, in the opinion of your committee, something like fifteen amendments before it should go into effect. The present bill has about fifteen amendments in it, changing it from the form in which it was introduced into the legislature in 1886. Six members of this committee, after five meetings, voted that the bill in its present form ought not to pass. At the time the vote was taken the seventh member was not present, and we do not know how he would have voted on this question. We can safely say that this committee endeavored, in a conscientious and careful way, to the best of their ability, to see if they could perfect the bill so that, in their judgment, it would be safe to let it go upon the statute books. The undersigned believe that if the bill, with all amendments, were placed in the hands of another committee of seven lawyers of good ability, they, on examination, would find as many more places where this novel system, in their judgment, would need to be amended before it could be put in operation. What a commentary this is upon a bill which is proposed to be enacted to apply to the transactions in the real estate of this vast city, and whose provisions must be understood and acted upon promptly and correctly by everybody who takes part in the transfer of real estate! If there shall be in the working under the bill the diversity of opinion that prevails in the minds of everybody who undertakes

to study the bill, what can be said of the confusion and disappointments and litigations that will inevitably flow out of the attempt to inaugurate this system?

Turning now to the system known as the block system, it may be remarked that both systems provide for the legal designation of the blocks by consecutive numbers from the Battery northward to the Harlem River, and as far beyond as is practicable.

Both systems provide for indexing under a general index certain conveyances of plots of land not embraced within the blocks, chiefly lands along the bulkheads, with all rights pertaining thereto; also for indexing in the same registry insolvent assignments, exemplified copies of wills and many other instruments of a kindred nature; so that, for the purpose of dealing with those questions, it is enough to say that both plans are substantially alike. As the great body of the property is in clearly defined blocks, and the chief difficulty at present existing is as to titles within such blocks, we propose to discuss here only that part of the block system of transfer which relates to property in blocks legally designated as provided in both systems. The question arises why is it that the present system has failed? It has been in vogue for a hundred years, is still the system throughout this State, and is substantially the system adopted throughout the United States; and yet, in its operations in the city of New York, it has become cumbersome and impracticable. The answer is easy. It is because the area of search and the commingling of the records of property by reason of the vast extent of the city render it difficult and laborious to find the record of any one particular lot. The theory of the block system is to narrow the area of search. In the city of New York, and in many other cities of the State,



it is believed that the block is the smallest practicable parcel within which to confine such area, as it is in fact the smallest plot with legally defined boundaries; and, in our judgment, is quite small enough. The block limits are established and fixed by law, and their exterior lines are established by monuments shown by the corners and lines of streets. There is, therefore, no uncertainty as to the greatest exterior limit possible to prevail in the shape or form of a plot conveyed within the limit of a block. The block system contemplates that one single change shall be made in the deed, and that is that the block number shall be inserted in the body of the deed in the same manner that a town or county is now inserted in an ordinary conveyance. No other change in the form of the deed and no other instrument is required to inaugurate this system. A simple law should then be framed and passed requiring the register to assign to each block a volume, the volumes to be numbered consecutively from one upward, corresponding with the blocks designated in the same way upon the map. The register would then receive all deeds and mortgages the same as he does now, but, instead of mingling deeds from all parts of the city into one volume, he must confine the record of each deed to the book in which records of the block referred to in the deed are to be made. If by chance a single deed should cover a description of land in two blocks, the deed would require to be recorded in the book assigned to each block, the same as now if a deed described land in two counties it must be recorded in the record book in each county. The practice would undoubtedly soon grow up of making separate deeds for lands in separate blocks, although it is not often that lots in separate blocks are put in the same deed in this city. There should accompany

each book of records for each block a nominal index, substantially as it is now kept, for that block. So that, when the system is once inaugurated, it will never be necessary to examine an index of the whole city, but only an index of that block. This system is capable of expansion to meet the exigencies of any city or any county in the State, for it is based upon the simple and unchangeable principle that the area of search may be limited to any legally defined boundaries. In a rural county, under this system, the deeds of every town may be separated from the deeds of all other towns, or the deeds in a village may be separated from all other deeds in the county, or the deeds in a ward may be separated from all other deeds in a city, or the deeds in other cities, if they shall so elect, may be classified together in blocks, but the law and the practice remain unchanged and uniform throughout the State, the principle underlying the registry being simply that of limiting the area so that the volume of records and of indexes shall not be unmanageable. This system requires no expensive superintendent of the Land Register or a deputy. It makes no violent change in the habits of the people touching land transfer. There is but one fact they have to learn so far as making their transfers are concerned, and that is that they must put into their deeds and mortgages the block number in which their land is situated. It works no revolution in the law as to the legal effect of recording for the purpose of real estate transfers, but leaves them as they are to-day. The proposed lot system does work a radical change in the present law defining the effect of recording an instrument. The block system does no more than has often been done in the history of this State. When new counties have been created out of old counties, and new and narrower areas of

search have been created by the constitution of the new county, the change has produced no friction and no disturbance of the methods and habits of the people in transacting their business. It may be objected to this system that when land is transferred it leaves the duty upon the purchaser to examine the title; but this is not an onerous duty under this system, as he has but a single block to examine, much more easily examined than the title in a rural hamlet. Everybody is familiar with the methods and the law affecting this duty, and business would go on without disturbance and without violent shock. No one for a moment believes that, if such a system had prevailed for the last fifty years in this city, the present confusion and unsatisfactory state of things would prevail in the Registry Office. It is a system of infinite expansion; it may go on as long as blocks are laid out. The size of the city, to whatever extent it may grow, will never embarrass it. All the safeguards which have been so carefully built up around conveyancing will remain applicable to the narrow area of a block the same as they now exist. Conveyancing will be more cheaply, rapidly, and accurately done for many years under this system than it can possibly be done under the complicated system pointed out in the lot plan.

In what we have said we do not wish to be understood as defending, or being called upon to defend, all the provisions of what is known as the Olmsted Bill. While that bill contains what we deem to be the invaluable feature of a block system of indexing, we do not agree in the wisdom of many of its details. Careful reflection and study have brought us to the conclusion that the whole subject of improvement in the methods of land and transfer in this city turns upon an improved method of applying the long-established principles that have pre-

vailed throughout the State. It is a simple question of narrowing the area of search and keeping the records of each new area by themselves.

The essential vice of the proposed lot system is that it is an attempt to build that which should be stable upon a foundation that is unstable. The principle underlying it is wrong, and no amount of ingenuity in plans can make it practicable or safe to adopt. In our judgment it can never succeed. We recommend the adoption of the block system, which, by the confession of the friends of the lot plan, would remove substantially all the evils of our present methods, and not incur the risk of inaugurating a new and special system of real estate for the city of New York not applicable to the State at large.

New York, February 18, 1887.

## PROTECTIVE TARIFF

REPORT ADOPTED BY THE UNION LEAGUE CLUB

Three questions of paramount importance are now agitating the public mind, and require careful and wise legislation. One is the surplus money accumulating in the United States Treasury; another, the question of protection to American industry; and, third, the treatment of the manufacture and sale of spirituous liquors. At first sight these three questions do not appear to be germane one to the other, and under ordinary circumstances they would not, and perhaps could not, be treated together; but the situation is such that an intelligent treatment of either affects each of the others, and so the consideration of all becomes important and material. We assume, without debate, that the great principle of protection to American industry is a cardinal and fundamental principle in the creed of the Republican party, and that, in the views of that party, all legislation should be based upon the preservation of that doctrine upon which the great prosperity of this country has been built. It is equally true that the accumulation of the large surplus in the Treasury of the United States is an evil that demands prompt and speedy treatment. The treatment must be effective and certain to arrest the present flow of money into the Treasury, which threatens to disturb all of the business interests of the country. It is also true that the pretensions and claims of the dealers in spirituous liquors are menacing the moral

and material interests of the country to such an extent as to arouse the fears of all right-thinking citizens. The accumulation of surplus in the Treasury is the excess over necessary expenses that reaches that department through the imposts on imported goods and through the collections of the Internal Revenue Bureau. That surplus is made, by the message of the President and by the position of the Democratic party, the lever to overthrow the principle of protection to American industry. Confessedly, revenue derived from one source or the other must be arrested. It makes no difference, as to the effect of an accumulation of surplus upon the financial interests of the country, from what source that surplus is derived. Money derived from the tax upon spirituous liquors, when in the Treasury, is withdrawn from circulation, and affects material interests precisely the same as any other money. On the other hand, it is not the policy of the Republican party, nor is it wise statesmanship or good morals, to do anything which shall relieve the liquor interest from any burden which it now carries. On the contrary, the Republican party should set its face firmly and resolutely to so treat that interest that it shall be curtailed and restricted in its well-known baleful influence. It would be unwise and suicidal to say or do anything which, in its operation or effect, could encourage that interest. We do not propose to discuss at length or enlarge upon the enormity of the evils growing out of the liquor traffic. We abate not one jot nor tittle from anything that the most advanced thinkers have said against the traffic in spirituous liquors. Nevertheless, if the revenues derived from that interest have become a menace to the prosperity of the country, a question is raised whether the continued collection of those revenues by the United States Government, which

was wise in the past, is necessarily wise for the present and the future. It would be only one more crime to charge up against that traffic if it should be the force used to break down the productive industries of the country.

It appears by the last report of the commissioner of internal revenue that during the last fiscal year the government received from spirits and fermented liquors \$87,751,508.49; from tobacco it received about \$30,000,000; from other sources a small amount was received, making a total of \$118,837,301.06. It thus appears that the internal revenue derived from spirits and fermented liquors is the principal source from which moneys are derived in that department of the government.

The Secretary of the Treasury reports that the present actual net surplus on December 1st was \$55,258,701, after all obligations were provided for. He estimates that this surplus will be increased for the next fiscal year; so that, under the operation of present laws, at the end of the year the surplus will amount to \$140,000,000. It is plain, therefore, that the estimated increase of the surplus will be substantially equivalent to the collections by the Internal Revenue Bureau from spirituous liquors. If the Internal Revenue Department should be abolished, it would at once and immediately put an end to all question of surplus in the Treasury. The government would then start with its present accumulation, which would be gradually reduced by reason of the imposts on imported articles not being sufficient to meet the expenses of the government for the next one or two fiscal years. If it be objected that in the future the resources of the government would not be sufficient to meet its liabilities, it is not only reasonable, but highly probable, that the impost duties would increase

from year to year, so that by the time this present surplus is expended, the revenues from impost duties would meet all the requirements of the government.

The Secretary of the Treasury reports a net increase of \$34,963,550.60 for the last fiscal year, but of this net increase only \$2,017,454.74 was derived from internal revenue, which leaves the increase derivable from other sources than internal revenue to be \$32,946,095.86. It is not improbable that this rate of increase, or something approximate to it, would go on from year to year, so that the government would find itself with ample funds for its needs.

Going back, now, to the question of the internal revenue derived from spirits, excluding fermented liquors, we find the amount derived last year from that source was \$65,829,321.71. Of this amount of spirits distilled a considerable portion enters into manufacturing industries. There are no reliable statistics as to what per cent. of the spirits manufactured is used for such purposes. Considerable testimony was taken on this question before the Tariff Commission appointed by Congress a few years since, and many intelligent men have given their estimates upon it. The lowest proportion that has been named is 5 per cent., the highest proportion 50 per cent. It is the opinion of those conversant with the subject that the lowest is much too low and the highest too high. It is probable that the amount is about 40 per cent. Assuming that as a basis, we have the revenues derived from spirits, 40 per cent. thereof, or \$26,331,728, which is levied as a direct tax upon home industries.

Much thought and attention have been given to the subject of finding some method by which spirits used in the arts and manufactures could be separated from the



liquor which is used as a beverage, so that the domestic manufacturers should not be called upon to contribute to the government this vast sum of \$26,331,728, which is, in effect, a direct tax, and operates to that extent against the domestic manufacture of such articles as require its use. No device and no plan has yet been suggested by which that result can be reached without opening a wide door to frauds upon the government. If the Internal Revenue Department is abolished, large and material interests of the country would be relieved from this unjust and unnecessary tax, a tax which discriminates against the home production of a large class of articles required for the ordinary use of the citizens.

The expenses of collecting the internal revenue are reported at \$4,055,148.87. An army of 4,000 office-holders is maintained with this money. These officials are unnecessary and vexatious spies upon the business of the people. To relieve these men from their official duties and restore them to the productive industries of the country would be a great gain to the public and be entirely in harmony with the reform professions of this administration.

Revenue from tobacco, as we have stated above, is about \$30,000,000. If it be said that this is a tax upon a luxury, it is also a tax upon a large productive industry of this country, and is chiefly a tax upon the luxury of poor men, as they are the principal consumers of domestic tobacco. So long as imposts are continued upon imported tobacco and cigars, the revenue from that source will be derived chiefly from an article that is a luxury indulged in principally by those who are able to pay it. We do not advocate the reduction of the tax upon tobacco as such, but only the repeal of the internal taxes which are derived

mainly from domestic production. The proposition to repeal the tax upon spirits will at first strike many minds as unwise, and as relieving a traffic which ought to bear a heavy burden from its proportion of the cost of the government. To do this in fact would be unwise, and would shock the moral sense of the community. We would not for one moment advocate anything which would be an encouragement to that traffic, or that would relieve it from any restraints which can be thrown around it. Our contention is that the money derived from it is unnecessary for the general government; and that, unless it is at once put into circulation, it operates just as mischievously as revenue derived from any other source when it reaches the Treasury vaults in Washington. The money derived from the liquor traffic should be collected by States and municipalities, so that it may go to support in some measure the pauperism and crime which it produces. It may be objected that when the general government ceases to collect revenue from that interest, the States and municipalities which may have jurisdiction over the liquor traffic would not impose taxes to an equal amount upon that traffic. We believe this objection to be fallacious. That the temperance sentiment is growing with rapid strides throughout the country is evidenced on all sides. The West and South are already leading the East and North on that question. The sentiment is a healthy and wholesome one. It is true the friends of temperance are not agreed as to the measures that are practical and effective to curtail this evil. A respectable and conscientious body of citizens believe that there is no remedy save prohibition. A much larger body of citizens, members of both the Republican and Democratic parties, believe that the time is not yet ripe for that measure; while many believe

that it never will come. It is in accord with the experience of this country that no policy can be enforced which is not sustained by public sentiment. That public sentiment is not yet ripe for prohibition must be conceded by everybody. As a limitation upon the traffic, heavy local taxation, whether in the form of high license or any other taxation which shall be constitutional in the several States, is practical, and public sentiment is fully ripe to sustain it. The Republican party should plant itself firmly and decisively upon this ground. As one State after another, by legislation, shall derive large revenues from this traffic, the example will be contagious. If it once becomes understood that the United States has surrendered its claim to tax this interest, it will not be difficult to create a public sentiment which shall demand the enactment of laws to take the same money that the United States collected for the benefit of the States and municipalities who have to bear the burden and the crime produced by the traffic. This policy is entirely in accord with the principle of absolute prohibition in such States and localities as demand, and are able to enforce, that remedy. It is consistent with the local option laws in any State. It is in harmony with those who contend for high license and taxation. Rightly considered, it is in conflict with no phase of the temperance question. If the Republican party shall wisely take high and decided ground upon this subject of temperance, it will at once put it in harmony with the sentiments of the best element in the Southern States. The Southern temperance sentiment will not be slow to find that upon this great question of moral reform its strongest and only ally is the Republican party. The two sections will be brought into harmonious action upon a question that is dear to the hearts of the best citizens of both sections. It does not

seem to be wild conjecture that when that state of things arises, great good will accrue to the country by harmonious action upon other questions in which the true interests of the South are in harmony with the sentiments of the Republican party. Our party must be prepared to enter upon the battle with the liquor traffic, but the lines of battle should be so set that the conflict shall not result in injury to other great and material interests. The position of the two parties to-day is not unlike the position of the Republican party in the great contest of 1860 on the slavery question. There was then a small but respectable party in favor of the abolition of slavery. Abolition was then regarded by the masses of the people as impracticable; but to limit and restrain slavery was deemed to be practicable. In so far as slavery had any friends in the Northern States, they were found in the Democratic party—the same party that is now supporting the saloon and liquor interest. Then the Democratic party also contained a very large and respectable body of citizens who sympathized with the anti-slavery sentiment of the Republicans, but did not and could not sustain the extreme doctrine of the Abolition party. We believe the state of things is substantially the same to-day on the question of temperance, that the Democratic party contains a vast number of men who would sustain a vigorous policy by the Republicans in restraint of the liquor traffic. The attitude of the Republican party in the past has been such as to concentrate with great vigor the saloon interest in the Democratic party. Timid party men have nothing more to fear from the opposition of the liquor interest. In Pennsylvania the Republican party accepted the issue, planted itself firmly on the ground of opposition to the saloon interest, and carried the State in the last election

triumphantly after a close and severe canvass. To take a doubtful position on this issue is defeat. To go forward, with the line of battle properly set, means certain triumph. We therefore recommend the adoption of the following resolution :

*Resolved*, That we deem it wise Republican statesmanship to abolish the Internal Revenue Department of the United States as the safest and most practicable way of reducing the surplus of the Treasury and preserving unimpaired the great principle of protection to American industry ; and, also, to advocate and enforce, wherever the power exists, rigorous and vigorous legislation in the various States in favor of taxation of the liquor traffic to the highest degree practicable, to the end that the money collected from that source may be applied directly to defray the expenses of the pauperism and crime that it entails upon the several States.

New York, April, 1888.

## THE LIQUOR TRAFFIC

No question within the power of legislation has received so much attention during the last fifty years as that of the use of spirituous liquors as a beverage, if we except the slavery question. Like the latter question, it has been considered from the religious, the moral, and the political standpoint. At first it was treated mainly as a religious and moral question. Of late the political aspect of the subject has received a wide and exhaustive discussion.

On the whole, the progress of the reform has not been satisfactory to its friends. The weakness of human nature in its appetite, and the cupidity of men in their desire for money, have rooted the evil in the body politic so deeply as to cause the greatest anxiety in the minds of all thoughtful persons. That moral suasion and religious considerations have worked mightily upon a vast body of citizens, and have saved them from destruction, must be conceded. On the other hand, the number of persons who are the thoughtless or helpless victims of the vice of drinking is so great that they are a menace to the good of society, eating out so much of manhood as to cripple the State, and casting upon the sober and industrious burdens they ought not to bear. The constantly recurring questions, What can be done? What ought to be done? will come up for answer. In replying to these questions, we must consider what is practicable and possible. What the State wants, what society wants, is relief from this great evil.

No relief comes from attempting the impossible. One

question may be considered settled by the discussions of the last fifty years, and that is, that as a question of power the State can interfere and go to any length that is necessary to root out this evil. The friends and defenders of the liquor traffic undertake to defend the business because it is a business in which large investments have been made, and that to invade or curtail this traffic would be to abridge individual rights and assail the safeguards of private property. This is entirely fallacious. The State has always exercised control over individuals and property, when the highest good of the State has required it. It has prohibited gambling and passed laws for the seizure of the implements of gambling and the punishment of those engaged in it. Now, it may be plausibly reasoned that gambling is an individual matter; that a person who has money has a perfect right to do what he pleases with it, either to give it away or gamble it away if he will.

With reference to lotteries, there is a constitutional prohibition against them; and yet why should not a person spend his own money, that he has earned, in a lottery ticket, if he desires to do so? Owners of agricultural lands are prohibited by the constitution from leasing the same for more than twelve years. Now, why should not an agricultural landlord and tenant be at liberty to make any bargain they please? The answer is that, if left to themselves, they would, by long leases, be likely to bring about a state of things that now afflicts Ireland. Numerous other illustrations might be given where the State has interfered with personal rights and property for the general good. The policy of the State is to protect itself from anything that puts in jeopardy the general good. It is the conscience, intelligence, and the integrity of the people that chiefly limits this control. Until our scheme of self-

government shall prove itself a failure, no damage can result from the exercise of this power of protection by the State. Those engaged in the liquor traffic concede the propriety of State control of their traffic, but they clamor for what they call just and equal laws, which means laws that do not materially affect or limit their business. This is precisely what the good of the State does not require. If the business of the liquor dealers is as harmless as selling corn or potatoes, then there is no occasion for State interference, and one business should be as free as the other. The concession by the liquor dealers that the State should in some measure limit and regulate the traffic is a concession that in some way and to some extent the traffic menaces the good of the State. That brings us to the questions, How serious a menace is the traffic? and Who shall determine the extent of the State control that is necessary to protect the State?

The measure of the remedy should bear some proportion to the magnitude of the evil. If the evil is slight, the remedy should be moderate. If the evil is great and threatening, the remedy should be the more radical. To dwell upon the evils of intemperance is to dwell upon a hackneyed subject; and yet a few suggestions at this time will give point to the argument in favor of strong and radical measures to limit and cure the evil. It is stated upon good authority that the number of saloons in this city is about 7,500 and in Brooklyn about 5,000, or a total of about 12,500 saloons and drinking places. It is estimated that the average income of these places is not less than \$4,000 per annum each. This seems a reasonable estimate, when we consider that rent, attendance, light, fuel, liquors, etc., have to be paid for to carry on the business. At this estimated rate of income, there is taken out of



the people in these two cities for this traffic the sum of \$50,000,000 annually, if we say nothing of the balance of the State. If such a sum was extorted from the same class of people by a tax, it would produce a revolution in our government. To the people who drink, this money is wasted. It is taken from families, homes, mothers, and children. What \$50,000,000 would purchase in comforts, such as improved homes, clothing, food, education, etc., is mostly lost to the innocent and helpless. Nor is this all. It destroys the ability to earn money in untold thousands of its victims; it promotes crime and immorality; it baffles the teaching of those seeking the religious and moral elevation of the human family; it fills our State prisons, jails, and all charitable institutions; it increases the burdens of the State for the industrious and sober, so that every one who pays taxes pays a very considerable portion of them to support saloons; it unnecessarily burdens the charitable, for all who have had experience know that a large per cent. of the demands for charity would never exist except for this traffic.

In these two cities there would be but little poverty and want if this \$50,000,000 could be diverted from the saloons and turned towards families and homes. Taxes would be reduced, crime would be diminished, religion and morality would be promoted, and the clamorous demand of charity be greatly reduced.

Surely here is an evil of sufficient magnitude for the State to seek a remedy; and shall this remedy be only such as those engaged in the traffic approve, or such as the good of the State demands? The failure at the late election to carry two-thirds of both branches of the legislature, so that an expected executive veto could be overridden, will be likely to produce discouragement in the

minds of many friends of high license, and induce them to accept half-way measures or compromises that will be acceptable to those engaged in the traffic. This we deem will be an abandonment of all the benefits of high license. High license should be of such a character as to bring to the narrowest practicable volume the amount of the business, and compel it to bear as much as possible of the burdens that that traffic now casts unjustly upon the sober and charitable part of the community.

Recent events have established that, for the present at least, prohibition in this country cannot be obtained. It is equally well established that high license laws do restrain and limit the traffic. In war it is deemed the greatest folly to risk a general engagement without reasonable grounds to expect a victory, and to risk a general engagement with a certainty of defeat is madness. In this is the mistake of the Prohibitionists. Important outposts can often be taken when the citadel cannot be captured. The Prohibitionists are chargeable with refusing to secure that which can be secured, and which, experience has shown, tends to increase temperance and morality, while they are striving after the impossible at this time, and thus helping along with all their power the swelling tide of intemperance, crime, and poverty.

We therefore recommend the adoption by this club of the following:

*Resolved*, That we deem it unwise and dangerous to the cause of temperance for the friends of high license to accept any measure that does not come up to the fair intent of that policy. That it is better to let the Democratic party and the Prohibitionists divide the responsibility for the present state of intemperance, crime, and poverty,

until such time as a practicable remedy can be secured. That we earnestly recommend to the Republican members of the legislature, at the ensuing session, to stand fast for the principle of high license, so that whenever a license law shall be carried, the State may secure substantial benefit from such a measure.

New York, November 26, 1889.

## THE McKINLEY TARIFF, 1890

The primary purpose of impost duties is to raise the money necessary to support the general government. The most vital function of a government is the power to raise money for its support, because its usefulness in all directions is gone without this power. A government cannot exist without exercising it. Whatever difference of opinion there may be as to forms of government, all have this corner-stone in common. Political economists may differ as to the method of raising the money, but all agree as to the basis on which the political structure we call a civil government must stand. There are but three sources, with trifling exceptions, known to civilized countries from which to derive support, and those are either impost duties (commonly called tariff duties), export duties, and internal taxation in some form. Export duties form no part of the fiscal policy of this country, and need not be referred to again. Statesmanship in financial matters has to deal with the method of raising the necessary money to carry on the government. It is the statesman's duty to point out the place or places from which, and provide the means by which, the collection of the money can be enforced.

The political economist may very properly point out the best method of raising the money so that the burden may fall as lightly upon, and be distributed as justly among, the people as possible; and, therefore, the statesman should also be a political economist. The amount

of money necessary to be raised at this time to support the general government is about \$400,000,000.

That an annual levy of \$400,000,000 should be a burden upon the people of the United States which they would like to be rid of is not surprising. The question is, upon which shoulder shall they carry the burden? It proves nothing against the tariff bill to point out that some particular interest or interests would be better off without an impost duty. The friends of the tariff may safely concede that, and yet justify the tariff duty as necessary and best, on the whole, for the government support. Free-traders but half argue the question when they point out that the tariff tax burdens somebody. All exactions from the people to support civil government are distasteful. A desire to escape the assessor and the tax collector is not an unusual thing, at least in this country. There is no particular wisdom in calling a "tariff a tax," unless it be wisdom to characterize with an opprobrious term the successful financial policy of all the fathers of the republic.

If the free-traders would develop their ideas as to how they would raise the \$400,000,000, and tell the people what their scheme of taxation is, it would add life and interest to the dreary discussion they have been carrying on. How much of this money do they expect to take directly from the farmers, and what is their method of doing it? What proportion of the fixed incomes of the people are to be taken to make up this vast sum? What proportion of the incomes from the professions, what stamp duties, and, in general, where is this money to come from? As political economists, while examining with philosophical nicety the bearings and effect upon business of a tariff upon imported goods, it is not to be presumed that they have overlooked the prime factor that,

when they have educated the people to be free-traders, they must be prepared to substitute some revenue scheme to take the place of a tariff. The more details they will give of the new scheme the more interesting it will be to the public, because the people will be better able to compare the two plans and judge which they like best. Philosophers sometimes dislike practical questions, because they interfere with their theories. This is a practical question. The British free-traders have met it manfully. They simply tax everything a British subject has or uses, from a cradle to a tombstone, inclusive.

While the British free-traders have urged upon us the beauties of free trade, it is not recalled that, in any of their dissertations prepared for this country, they have dwelt at length upon the beauties and delights of their scheme of internal taxation.

What the people want at this time is more light on this subject. They are pretty well informed as to the free-traders' objections to the tariff. They have learned all about its iniquity, inequality, and immorality. What is now wanted is the free-traders' scheme for raising \$400,000,000 that shall be free from the objections they find in a tariff, and the burden of which shall rest upon the people as gently as a benediction.

The friends of a tariff are not ready yet to abandon that method of raising money to support the government, because a better method has not yet been pointed out. The field of internal taxation is pretty well worked at this time to support our State and municipal governments, and the people are not anxious to see the tax gatherer for the general government asking for a further sum for its support. It is not yet made clear to them that it is desirable to change the traditional policy of this government.

Since its formation this policy has been to seek support from impost duties whenever a sufficient sum could be realized from that source. The first revenue bill signed by Washington was a tariff bill, which declared in its preamble that its purpose was to raise money and protect American industries. That was soon followed by an internal revenue bill. It was not until after the War of 1812, and about the year 1818, that the internal revenue system was terminated, and from that time until the War of the Rebellion, in 1862, the United States was never driven to resort to internal taxation for its support.

During the Rebellion, and for some years thereafter, both systems—the impost duties and internal taxation—were strained to the highest practicable point, so as to raise the greatest amount of revenue possible. Since the war closed, most of the internal taxes have been repealed, and the laws imposing impost duties have been from time to time modified, so as to reduce the revenue from that source, chiefly by placing upon the free list articles not the product of American industries. For over forty years before the war, all parties agreed that the general government should be supported by impost duties, but they differed as to what kind of tariff should be levied. The Whigs contended for a “protective tariff,” while the Democrats contended for what they called a “revenue tariff.” This description of a Democratic tariff was gloriously uncertain, and the phrase could be made to do duty for any kind of a tariff, according to locality. It was a very much overworked description in those days, like the words “reform” and “revenue reform” at the present time. Both Whigs and Democrats sought to raise the same amount of money. The difference was in the method of levying imposts. The protective tariff system contem-

plated that the impost duties should be so laid as to promote American industries. A revenue tariff was generally described to be a tariff so levied as to produce the necessary support of the government, regardless of its effects upon home industries.

Free trade, as understood in English financial policy, has never had a practical foothold in this country. The doctrine is revolutionary, and, if practically applied, involves an entire reversal of the financial policy which we have followed from the foundation of our government. It is not believed that the people, when they fully understand the question, will ever consent to be taxed by the general government for its support, and open the ports to free trade. There is no escape from the proposition that it must be supported by tariff duties or by internal taxation in some form. There is no consistency in denouncing all tariff duties as wrong, unjust, and immoral, without at the same time advocating internal taxation as a substitute.

If the people adhere to the policy that the general government shall find its chief support in impost duties, the only remaining question of broad policy is, shall those duties be adjusted so as to raise the necessary revenue, regardless of its effect on our industries, or shall they be so adjusted as to foster and promote those industries? In other words, shall it be a revenue tariff or a protective tariff? Republicans—and a not inconsiderable portion of the Democratic party, especially in the South, as expressed in many of the leading Democratic papers—believe that in raising this vast sum for the general government, it can be so levied as to promote our own industries. The money is not raised to aid manufacturing interests or any other home industries. It is raised because



it must be levied somewhere. Free-traders have industriously tried to make people believe that the protective tariff is a system of taxation for the benefit of certain manufacturers, and that the people are taxed to make the manufacturers rich. Nothing can be more false in fact or in logic than this statement of the case.

Not a dollar is raised for the benefit of the manufacturers. The purpose of a protective tariff is to raise just the amount required for the support of the government. As this sum must be raised by internal taxation unless raised by impost duties, the protective policy is to so raise it by impost duties as to promote our own industries. These are promoted by letting in free such things as we do not or cannot produce, and by placing this tax to support the government upon such foreign articles as we do or can produce.

The free-trade and revenue reformers have of late been claiming great credit to themselves for their advocacy of free raw material. They seem to boast as if they were championing a new doctrine. They have, intentionally or ignorantly, overlooked the fact that this is, and always has been, one of the axioms of protective policy, and one that has always been maintained by those who understood the true doctrine of protection. This advocacy of free raw material by the free-traders is a concession on their part that when impost duties are levied there should be discrimination in favor of American industries, and to that extent admits the case of the protectionist. Raw material, which it is desirable to import free, includes such products of industry as we do not and cannot produce reasonably cheap in this country, taking into account our natural resources and their capability of development. The term "free raw material" is liable to be

misleading, because that which is the finished article of one industry may be only the raw material of another and higher grade of industry or manufactures. A just application of the doctrine of protection is to so adjust the levy of the necessary money as to equitably protect all industries of the country. The bearings of the impost upon the industries of the manufacturer, the farmer, the miner, or any other industry, should be carefully studied so as to aid, rather than retard, the same.

It is no answer to the propriety of a particular impost duty upon an industry that such industry would be better off without the impost and with free trade.

The real question is, Is the impost unequal as compared with other industries? The burden of supporting the government must be borne by somebody, in some form.

In framing any tariff or tax bill there is great practical difficulty. There are liable to be private and conflicting interests difficult to satisfy. Some persons will take only a narrow and personal view of a particular impost or levy. All cannot escape the burdens of supporting the government. If an attempt were made to frame a purely revenue tariff, or a bill to raise this large amount of money by internal taxation, the same difficulties would arise as to conflicting interests. Some would think they had not been fairly treated. In fact, pure abstract justice cannot be attained, no matter on what lines any revenue bill may be framed. It is not the purpose of this committee to express an opinion on the wisdom of any particular impost proposed in the McKinley Bill in its bearing upon certain industries. Among those who adhere to the doctrine of a protective tariff, in particular cases, there are wide and honest differences of opinion. The bill seems to be an honest, painstaking, and able effort to prepare a

revenue measure to support the government, based on the established principles of protective policy which were adopted by the Republican party at the last National Convention, and fully discussed in the last canvass and approved by the people. We, therefore, recommend the adoption of the following resolution :

*Resolved*, That the Union League Club approves the general scope and principles of the McKinley Tariff Bill as calculated to produce only the money necessary to support the government, and as embodying the sound doctrines of a protective tariff adopted in the National Republican Platform, and recommends that Congress pass the same, with such amendments, if any, as may be necessary to perfect it, to the end that it may speedily become a law of the land, and thus put at rest the questions affecting the vast interests of the country, now disturbed by suspense and uncertainty as to the final action of the government in this important matter.

New York, April 29, 1890.

## NEW ORLEANS RIOTS (FIRST REPORT)

On the 10th day of this month the civilized world was shocked and startled by an event at New Orleans unparalleled in the history of modern Anglo-Saxon civilization.

No event has occurred in the history of this country, in a time of peace, so fraught with peril to our institutions as this. Whatever the wrong may be that was committed against the victims, the greatest wrong was to the country and to our boasted system of self-government. It may be conceded that it is highly probable there was a kind of rude justice meted out to the victims of the massacre; and, in so far as that result was reached, it may be received in explanation of the motives of those engaged in it, and relieve them from the charge of brutal, wanton murder, committed to gratify wicked and ferocious natures. Under a government of law and order the act committed was murder, and nothing but murder; and, in a community alive and sensitive to the duty of maintaining law and order, the perpetrators would be sought out and punished, not as they meted out punishment, but in due course of law.

It does not seem probable that any such course will be pursued, for the reason that, so far as can now be gathered, almost the entire sentiment of the city, official and unofficial, either wholly approves of the act or is ready to excuse and defend it.

The citizens of this State, and of all the other States, having a common interest in law and order for the good of

all, are brought to the startling spectacle of the chief city of one of the States being either unable or unwilling to rise up and demand that majesty of the law shall be maintained. This case is peculiar, and deserves the study and thoughtful consideration of every lover of his country. Outbreaks of violence and murder are not unusual. Mob violence is sometimes formidable and threatening.

Heretofore it has usually broken out in resistance to law, or to forestall legal proceedings and inflict a more speedy and summary punishment. The New Orleans case has this important and new feature, that no force was exercised until the law had taken its full course, and had, as alleged, failed to punish dangerous characters. The conditions are just those of a government of anarchy. If the law's failure in this case to do justice can justify mob violence, it can do it again and again. This is the first great step in our history taken by the alleged best citizens to teach and illustrate the doctrine of the mob violence in place of law. The strength of the law is the people's respect for it. The law of the country has no actual force behind it able to enforce its decrees except the respect and willing obedience of the citizens. The events in New Orleans and the tendency of them cannot be viewed by any good citizen without the gravest apprehension. Such examples are contagious. No one can tell where the next mob will undertake to correct the failures that are supposed to occur in the administration of the law, nor how many such assaults our system of government will endure. We all know that the decline and fall of nations are gradual. Failure never occurs all at once. The first false steps are the ones that finally lead to ruin. It is the interest of every citizen of this broad land to resist in all proper ways the tendency of this New Orleans outbreak, and do what he can to

create such a public sentiment that no second attempt of a like nature shall be made. While condemning without qualification the course pursued in New Orleans, it is not believed that the majority of those engaged in the illegal proceedings were in any sense enemies of our country, or intended to make a dangerous assault upon our free institutions. They are not anarchists nor revolutionists, but are undoubtedly lovers of their country. They were mistaken in the remedy they adopted for a real evil they were suffering under. The charge is made that an organization of foreign criminals, bound together by solemn oaths, had in cold blood murdered the chief of police of that city; that they had committed many other criminal acts, and had threatened many citizens with summary death; and that, finally, when brought to trial, they were able to intimidate or corrupt the jury and cause a miscarriage of justice of such a glaring nature as to excite the just indignation of good citizens and justify them in their summary punishment of the criminals.

Without admitting for one moment that the facts justify the outbreak, they show a condition of things that demands thoughtful consideration by every American citizen. While the outbreak has turned attention at this time to New Orleans, the common judgment of all intelligent and patriotic men is that, in a greater or less degree, every large city in this land has a condition of things somewhat similar in kind to that reported to exist in New Orleans. The recent anarchist troubles in Chicago, the events in Cincinnati, and our own July riots in 1863, with numerous lesser incidents, may be cited as proof that such is the fact.

We are thus brought face to face with a condition of things that ought not to exist, and a natural inquiry arises,

Why does it exist? Our government is a government of law and order. It is founded upon that rock, and its right to exist and command the respect of mankind depends upon its ability to maintain and preserve unimpaired that principle. It is also a government of equal rights, where the people elect their own rulers. To maintain such a government presupposes intelligence on the part of the citizens and devotion to its principles. We have also boasted that this land is the asylum for the oppressed of all nations. No one desires to abandon any of these proud positions, and yet it may be fairly questioned whether we have been discreet in the administration of them. It is known of all men that for many years we have been the asylum of the criminals and paupers of all nations. While we have taken into the body politic a vast body of honest and intelligent foreigners, who have accepted American citizenship in good faith, and who have contributed their full share to the prosperity and glory of our country, we have also taken in such a flood of ignorance, pauperism, and crime, and clothed it with the full panoply of citizenship, that Americanism is being diluted and assailed in ways that are truly alarming. We are unable to assimilate so much ignorance, pauperism, and crime without great danger to the body politic. The illustrations of this danger are innumerable all around us. All the better elements of this country are overtaxed in dealing with this flood. Our religious, benevolent, and educational institutions are appalled in the presence of the demands upon them.

The time is propitious to agitate these questions before it is too late, and see if something cannot be done to save our country and our institutions from the peril that menaces them. The courts should be rigid and conscien-

tious in enforcing all the safeguards of the law against suffrage unworthily bestowed. The general government and the several States should exercise all the power they possess to keep out of the country crime and pauperism. If the present laws are not sufficient, others should be framed that will be sufficient, even if it becomes necessary to provide that every emigrant must produce a consular certificate of good character at home before he shall be permitted to become one of the family of the United States.

It can be conclusively demonstrated that it is possible and easy to ascertain the previous character of any proposed emigrant. The means to procure this information can and should be provided by the government. Neither the cost nor the difficulty of doing it bears any proportion to the importance and necessity of it for the good of our country. To postpone or flinch from meeting this issue is perilous and cowardly to a degree indefensible for this great people. The doctrine contended for is not applicable to any one nationality, but to all nationalities. It is the criminal classes and paupers of the world that we should defend ourselves from.

The press and the public should take up and discuss this subject until a remedy shall be found that will rid us of foreign bandits, anarchists, criminals, and the pauper class that are such a menace to our country.

We therefore recommend the adoption of the following resolutions:

*Resolved*, That we call upon the general government and the several States to use all lawful means that they possess to prevent the importation of criminals and paupers; that we call upon the courts to be rigid in administering



the laws as to naturalization, and in resisting the importunities of political parties to clothe improper persons with the rights of citizenship.

*Resolved,* That we call upon the press and the public to agitate and discuss the subject of the importation of criminals and paupers, to the end that if present laws are not sufficient to save our country from this great peril, others may be enacted that shall be effectual to that end.

New York, March 30, 1891.

## NEW ORLEANS RIOTS (SECOND REPORT)

At the April meeting of this club this committee submitted a report touching upon the evils of undesirable immigration. It was tentative, and intended to call attention to the evil rather than to discuss the remedy.

It is unsatisfactory to merely point out an evil without pressing the inquiry further and treating of a remedy. The presentation of the existence of the evil has received the most earnest and favorable attention of the public and the press, and we deem it within the spirit of the resolutions of the club to push the inquiry further to the question how the evil can be abated or limited. The very presence of undesirable immigrants in our country is a menace and a burden, but this evil is greatly aggravated when these undesirable immigrants are clothed with citizenship.

The treatment of the whole subject seems naturally to arrange itself into two prominent divisions. The first one would relate to such laws and such policy on the part of the government as would prevent such a class coming into the country. Congress has entered upon this field, and has passed some laws tending in that direction, although, in our judgment, they are entirely inadequate to meet the exigencies of the case.

The second remedy would pertain to the enactment of laws, or the enforcement of the present laws, so as to prevent these undesirable immigrants from becoming citizens, enjoying all the benefits which that word implies.

Here further legislation is needed before full and adequate protection from this evil can be secured.

We have had for a long period of time upon the statute books laws that, if properly administered, would have saved us in the past from a most reckless and dangerous assault upon our institutions, and which should be hereafter enforced in the spirit and intent of their enactment.

A hasty review of the present law will aid in the discussion of this question.

The powers of Congress are stated in the Constitution of the United States in a few words. They are simply that "The Congress shall have power to establish an uniform rule of naturalization." This is a broad, sweeping, and absolute power lodged there, and not vested in any State or in any other authority.

The first law touching naturalization was passed in January, 1795. In April, 1802, the naturalization laws were revised, after an elaborate and exhaustive debate; and the third section of the act then passed is as follows:

"Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided in the United States five years at least, and within the State or Territory where such court is at the time held one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence."

There are other provisions in this law, and also some subsequent amendments, not material to be considered in this paper.

In the discussion of the naturalization laws, the fathers of the republic had a high appreciation of the value of American citizenship, and of the necessity of preserving it from being enjoyed by unworthy immigrants, although they were anxious to encourage immigration, and were willing to divide with proper immigrants the rights and privileges enjoyed by themselves. In discussing the question of time before full citizenship should be permitted, Mr. Smith, of South Carolina, urging a longer term of probation, asked: "What could he (the immigrant) know of the government the moment he landed? Little or nothing. How, then, could he ascertain who was the proper person to legislate or judge of the laws? Certainly, gentlemen would not pretend to bestow a privilege upon a man which he is incapable of using."

Mr. Jackson, of Georgia, said that he conceived the present subject to be of high importance to the respectability and character of the American name. The veneration he had for, and the attachment he had to, this country made him extremely anxious to preserve its good fame from injury. "I am clearly of the opinion that, rather than have the common class of vagrants, paupers, and other outcasts of Europe, we had better be as we are, and trust to the natural increase of our population for inhabitants."

Mr. Sedgwick, of Massachusetts, was against "the indiscriminate admission of foreigners to the highest rights of human nature on terms so incompetent to secure society from being overthrown by the outcasts of Europe. Besides, the policy of settling the vacant territory by immigration is of doubtful nature."

Mr. Sylvester, of New York, said: "It is neither for the honor nor interest of the United States to admit aliens to the right of citizenship indiscriminately."

These extracts sufficiently show the trend of the thoughts of the fathers of the republic when they enacted the law quoted above. It was clearly their intent that an immigrant admitted to the high estate of American citizenship should be a person of character, of intelligence and honor, who so far appreciated the principles of our government as to have become attached to the same and well disposed to its good order and happiness.

A difficulty was encountered in determining upon whom should devolve the inquiry as to fitness for citizenship. The federal judges were few, and the places for holding the courts widely separated. It was finally determined to lodge this trust in the hands of the courts established by the various States and Territories, in the belief that only honorable men would hold such positions, that they would be thoroughly imbued with the spirit of the Constitution, that they would guard well the sacred trust imposed in them, and that they would admit none to citizenship except those who were qualified as prescribed in the act conferring the power upon the local courts. When these early legislators prescribed that "it shall be made to appear, to the satisfaction of the court, that the applicant is qualified," they had in mind that each case should be inquired into and established by competent proof in the same manner that any other fact is proven and established in a court; that the applicant should appear ready at every point, by satisfactory proof, to sustain every proposition as to his qualifications. They passed over from the federal courts to the State courts a trust that the judges should, as an act of judicial inquiry, ascertain that every person admitted to the rights implied in citizenship of the United States came up to the full standard.

The act of admitting to citizenship in one State is an

act admitting a person to citizenship in all the States. In fact, the act makes the applicant a citizen of the United States. A wrong done in the administration of this law in one place is a wrong done to the whole body of the citizens of the United States. The law as passed in 1802 was defective in not providing that the rights of the United States should be represented and guarded. While the framers of this law clearly foresaw the evils of naturalizing improper persons, they little dreamed that this trust, confided to the judiciary of the States and Territories, would be betrayed and disregarded by the men who would occupy these honorable positions. They presumed that the judges conducting such proceedings would be imbued with the spirit of Americanism, that they would guard jealously and without fear or favor the rights of the whole United States. Had they foreseen the shameless, reckless, and criminal disregard of this duty that has prevailed in this country in many courts in recent years, no such power would have been lodged with the judiciary of the States and Territories. While there have been numerous judges who have conscientiously and faithfully executed this trust, the great part of naturalization has taken place before judges who have recklessly disregarded the faith that was placed in them, and who have done more than any other body of citizens to degrade and bring into contempt that which should have been sacred in their eyes. They have brought the country to a peril that is menacing its peace and prosperity, and causing more just alarm and anxiety for the permanence of good government than any other class of men.

No words of denunciation are strong enough to characterize this shameful breach of trust. No indignation is too deep to be entertained against those who have per-

petrated this great wrong. No language can describe in all its enormities the methods that have been pursued to reach this result. Time and the limits of this paper forbid giving a detailed account of the methods by which this crime against the American people has been perpetrated. A few well-known facts give point and support to the statement we have just made. In one year, in the city of New York, there were naturalized over 68,000 people, nearly the whole of this naturalization having taken place within the months of October and November. Witnesses and applicants were brought up and sworn in groups, and the judge, without the slightest knowledge as to the character and fitness of the person who was being admitted, signed the papers, and the same were sealed by the clerk with all the rapidity that they could possibly command. Professional witnesses would swear to the character and length of residence of applicants, without the slightest regard to who they were or from whence they came. Courts have been held open from early in the morning until well towards midnight to carry out this great conspiracy and crime against the American people. Thousands of citizens have been made almost immediately after they had landed in our port, who were unable to speak or write the English language, whose fitness had been, in a *pro forma* manner, sworn to by professional witnesses; and yet judges, under the seal of the court, have certified that it appeared to their satisfaction that they were persons of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

The whole proceeding has been a rank offence against the people of the United States, in which the chief offender has been the judge before whom the proceedings have

been conducted. The same judges would spend hours in settling a controversy of but trifling importance between two citizens, insisting upon the most exact legal proofs as to every material fact; and yet, when it came to the discharge of this higher and greater duty, which affects every inhabitant of this country, they have been either utterly oblivious to their duty or criminally reckless in the discharge of it. In determining a fact in a civil action, had they pursued the same course that they did in determining the facts as to citizenship, every one of them would have been impeached and driven from the bench. It is to be noted, to the everlasting credit of Louisiana, that as early as 1844 it caused the impeachment of Judge Elliott for frauds committed by him between 1841 and 1844 in the administration of the laws of naturalization.

The time has come to call a halt. If in the future judges shall observe their duty and administer this important law with the rectitude and judgment which pertain to the discharge of their other judicial functions, it will do something towards arresting the evil that now menaces us from improper immigration. We do not undertake to apportion between the political parties their respective shares in this wrong. It is not a party question. It is a question of our country and its institutions.

It is important to-day to appeal to the judges to consider well the oaths they have taken and to examine the law that they are to administer, so that every certificate they issue may be proof that they have, with an upright purpose and with a clear conscience, been *judicially satisfied* by competent proof that every alien they naturalize has the requisite good moral character, and is attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.



Any failure to come up to this high standard is a failure to do a duty imposed upon them, and one that the people have a right to demand they shall not shirk or evade. If it shall be urged that this imposes upon them an amount of work that they are unable to dispose of with their other duties, it is no answer to the demand we make upon them. If applicants come in such numbers and at such times that each case cannot be carefully and conscientiously investigated, it is not the fault of the judges. It is high time that the citizens of the United States have the benefit of the doubt, where there is doubt as to the fitness of a citizen, and that he be rejected until there are time and opportunity for the proper judicial investigation of his claim. It is not a matter of right that an alien be naturalized, but it is a favor conferred upon him when he is fully qualified and is able to prove it in court by competent legal proofs. Nothing is asked of the judges that it is impossible for them to do. It is possible for them to refuse to act until they are judicially and legally satisfied in each case as to the fitness of the applicant. This the American people now require of them.

The loss of some votes that might with propriety be secured to aliens bears no proportion to the injury to the country of admitting a mass of voters who are not entitled to this high privilege. The patriotism, the conscience, and the character of the judges should be above the pressure of political parties and political bosses. Anything less than that is a departure from the manhood and integrity that ought to pertain to their high office. The responsibility for this criminal negligence cannot justly be shifted to the shoulders of applicants for citizenship, nor is it manly or just to place it upon those of the political heeler or manager who is zealous for the success of his party

or candidate. To the immigrant, if he can secure citizenship, it is an advantage, for it confers upon him certain rights and dignities that are desirable for him to possess; but to the people of the United States it is of the highest importance that an unworthy person, who, by character and education, is totally unfitted to take part in our government, shall be excluded. It is for this purpose that a judge, standing between an alien and the United States, is selected to pass upon the question, having due regard to the rights of the alien and of the United States. For a judge to fail to adjudicate upon this question with the same conscientious faithfulness with which he would determine any other question of fact before him would be an offence against the people of the whole United States.

While our naturalization laws, if properly administered, would go a long way to check the evil that we are considering, they still need radical revision and change. An appeal should be made to Congress to enter into the examination of this important question, and, so far as the enactment of law can effect the object, provide that hereafter no such crime shall be committed against American citizenship as has disgraced our history in the past. This question appeals to Americans of all parties, and with the same force to those naturalized citizens who have intelligently and worthily become part and parcel of our country as to those who are native born. It should not be considered from a partisan point of view. There should be an uprising of a great people, without distinction of parties, whose voice would be heard and listened to by the representatives of all the parties. The evil is one that pertains to the body politic. We may all differ and classify ourselves as Republicans and Democrats, but on this particular question we should know no party, no North, no South, no East,

no West, but should all stand together as American citizens to protect our common heritage. There will be party leaders in both parties who will imagine they see certain advantages or disadvantages in opposing the demand for the revision of the naturalization laws, and who will trim and pose accordingly; but if they can be made to understand that the American people are a unit on this question of the revision of the naturalization laws, there is no party or body of legislators who will not give a respectful hearing to the American people.

One important fact should be noted in considering this subject. The right of citizenship is not the same as the right of suffrage. In seventeen States and Territories the right of suffrage is conferred upon aliens who have only declared their intentions to become citizens. In such cases the State has lost control of the question of the fitness of electors who are foreign born.

The remedy for this difficulty is not in the federal government. Each State has the power of conferring suffrage within its own jurisdiction. None but citizens should have the right of suffrage. Good faith between the States requires that this should be the common rule of all the States. In about fifteen States electors for President, Vice-President, and representatives in Congress can be voted for by aliens who have only declared their intentions to become citizens, and so it may come to pass that unnaturalized foreigners who may never become citizens may determine who shall be President and Vice-President and who shall have control of the House of Representatives.

This question should receive the serious and immediate consideration of those States who have conferred this extraordinary power upon aliens.

The revision of the naturalization laws we are contend-

ing for will not help the case of these seventeen States and Territories which have so unwisely, as it seems to us, cheapened the right of suffrage.

Your committee have given consideration to a method of appealing to Congress, irrespective of party, and believe that a petition circulated throughout the land and endorsed and approved by all classes of good citizens, native and foreign born, will be listened to, and that a proper and effective revision of these laws will be made.

New York, April 28, 1891.

## GOVERNOR DAVID B. HILL'S STEAL OF THE SENATE OF THE STATE OF NEW YORK

Recent events in the political history of this State have been of such an unusual and extraordinary character as to demand a careful and critical examination. The feeling is universal that a great wrong has been committed against the people of the State by the seating of three senators who were not elected by the people of their respective districts. Somehow the laws have been evaded or swerved from their ordinary course in such a manner as to cause consternation and alarm in the minds of law-abiding citizens. The work has been so deftly done that few have stopped to analyze the process and see where the laws have been violated, but all know and feel that there has been a violent and extraordinary result produced by those high in authority, a result never contemplated by the founders of our institutions, and a result not in accordance with the usual working of the same.

The questions are asked on all hands, What is our government worth? What is to become of the ballot-box and of our system of government if such results can be lawfully worked out within the pale of the Constitution and the laws? Are all the bulwarks of government that have been so carefully reared for more than one hundred years crumbling to their fall? Are we travelling with accelerated speed toward that anarchy and confusion that always follow the assumption of unlawful powers by those high in authority?

An examination of a few of the fundamental axioms upon which the American system of government is founded will enable us to point out with certainty the author and chief promoter of this wrong.

First and foremost, the ballot-box is the recognized medium for the expression of the will of the people. The purity of the ballot-box is the chief cornerstone of our system of government. Hamilton said:

“The fabric of the American empire ought to rest on the solid basis of the consent of the people. The streams of power ought to flow immediately from that pure original fountain of all legitimate authority.”

It is only in this way that a free people express their will. At all events this is our only way. This final verdict has been in theory, and ought to be in fact, conclusive as to rulers. Heretofore the greatest solicitude of intelligent and patriotic citizens has been to secure an honest vote and an honest count. It has generally been regarded that the greatest peril to our system of government has been the difficulty of getting from the people an honest vote and an uncorrupted return of the same. Numerous laws and devices have been framed to guard well the ballot-box. The result has not been satisfactory. Never, until after the late election, has it been supposed in this Empire State that that result could or would be changed by those high in authority.

Suddenly and unexpectedly we are brought face to face with the alarming fact that State officials of the highest standing could find ways and means to reverse the result of the ballot-box and were willing to commit this political crime. This is a new and unexpected result, one not naturally flowing out of the American system of govern-

ment; and the process should be examined carefully by every lover of his country, irrespective of party affiliation, to discover who are the authors and perpetrators of the crime. The founders of our republican form of government knew well the propensity of unscrupulous men, clothed with authority, to usurp power not conferred upon them, and to warp and twist all laws from their true meaning to compass personal and partisan ends.

The people gave power to rulers with great caution and reluctance. They had studied deeply and carefully the political history of all nations that had preceded them. They understood perfectly that unrestrained ambition, cupidity, and usurpation were the causes that had wrought the ruin of nations; that the allurements of power have always been the menace of the liberties of the people.

Madison said:

“It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.”

While the founders of the republic knew that a government is necessary, they provided a system of government with limited powers in their rulers, with checks and balances to prevent usurpations. They provided a written Constitution, guarding the people's rights at every point.

The fundamental idea of the American system of government is that it shall be divided into three grand divisions—the executive, the legislative, and the judiciary. It was intended that each should be absolutely independent of the other. This principle is imbedded in the scheme of the Constitution of the United States and in the constitution of each of the several States.

Madison says that it is a “political maxim that the

legislative, executive, and judiciary departments ought to be separate and distinct. No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty."

Jefferson said :

"The concentration of these powers in the same hands is precisely the definition of despotic government."

Again, Madison, after discussing the effect of this separation in preserving the liberties of the citizen, said :

"For this reason that convention which passed the ordinance (the Constitution) laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct."

Six of the States that adopted constitutions after the Revolution, expressed this distinction in one form or another in their several constitutions. The most pointed instance was that of Massachusetts. The declaration of principles in that constitution has been continued without change to this day, and is as follows :

"In the government of this commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

At another time Madison said :

"But the great security against a gradual concentration of the several powers in the same department consists in



giving to those who administer each department the necessary constitutional means and personal motive to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack."

Hamilton, in discussing the same subject of the three great divisions of power, says:

"The judiciary, on the contrary, has no influence over either the sword or the purse, no direction either of the strength or of the wealth of society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm for the efficacious exercise of this faculty. This simple view of the matter suggests several important consequences. It proves incontestably that the judiciary is, by comparison, the weakest of the three divisions of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks."

Professor Bryce, in his great work entitled "The American Commonwealth," in discussing the doctrine of the limited powers of the executive, says:

"This is a consequence of the English doctrine that all executive power is strictly limited by the laws, and is, indeed, a cornerstone of English liberty."

He further says, when discussing the American system of government:

"Each organ of government—the executive, the legislative, the judiciary—is made a jealous observer and re-

strainer of the others. Since the people, being too numerous, cannot directly manage their affairs, but must commit them to agents, they resolved to prevent abuses by trusting each agent as little as possible, and subjecting him to the oversight of other agents who will harass and check him if he attempts to overstep his instructions."

The English people point with pride to the fact that executive usurpations were practically stamped out between the time of the Norman Conquest and 1688, when English liberty was established upon the rock of strict constitutional limits to executive power.

The abuse of executive power was the thing dreaded by the founders of the republic. They had studied deeply the history of nations that preceded them. They exerted all their ingenuity and ability to guard and limit the powers of the people's servants when placed in authority, as the only way of preserving the liberties of the people.

A capital offence by David B. Hill, while governor of this State, pending the controversy over the late election, was his unwarrantable invasion of the proper domain of the judiciary. It is not claimed nor pretended that he exercised judicial functions, as such, in a technical sense; but the proper domain of the judiciary may be invaded in various ways. Anything which thwarts and defeats the working of that part of our system is a dangerous usurpation and is revolutionary.

We have the unusual spectacle of three senatorial seats occupied by men claiming to represent their respective districts, no one of whom received a majority or a plurality of the votes of his district. So far as those districts are concerned, the verdict of the ballot-box and the voice of the people have been ineffectual. Others than the people

of the district have named and designated the senators to occupy those seats.

The situation after the election was, in brief, as follows: There were seventeen Republican senators elected by the votes of a majority of the electors in their respective districts; fourteen Democratic senators were, in like manner, elected in their respective districts, and one Independent senator, making a total of thirty-two senators. The constitution provides that "a majority of each house shall constitute a quorum to do business." Seventeen senators are a quorum. The problem presented to the Democrats was how to secure three Republican seats, so as to increase their number of senators to seventeen—just a quorum. Threats were made against a number of districts, but as up to date they have taken possession of only three, the 15th, the 25th, and 27th districts, these are the only districts we shall refer to in this paper.

In the 15th district, commonly known in this controversy as Senator Dean's district, a majority of the supervisors, acting as a canvassing board, threw out for frivolous reasons enough Dean votes to elect Osburn, the Democrat. The county clerk refused to sign the false returns. The supervisors appointed a clerk *pro tem.*, by the name of Mylod, who signed the false returns, and the same were forwarded to Albany, and thus an apparent return from Dutchess County got on the files in the State offices.

While the Supreme Court was proceeding with the investigation of the case in the usual manner, Governor Hill removed the clerk of Dutchess County and appointed one subservient to his will. The judicial determination of the controversy was in favor of Dean. Then came the struggle to compel the clerk appointed by Governor Hill to sign and forward the true returns, as determined by

the court. Finding no way of escape, the clerk mailed the returns to Albany on the afternoon of December 21st, and, hearing of a stay, he immediately followed to Albany and had an interview with Governor Hill at about seven o'clock on the morning of December 22d, and asked the governor what he should do. The governor referred him to Maynard, as counsel for the State Canvassing Board. Soon after that, and at about nine o'clock that morning, Maynard took one copy of the true returns from the Comptroller's Office. Rice, the secretary of State, delivered a copy of the true returns in his office to the county clerk, and an office boy in Governor Hill's employ allowed the county clerk to take from the governor's table a third copy, all of which copies were carried away by the county clerk of Dutchess County, who had applied to Governor Hill at seven o'clock that morning for direction in the new situation. It has since been judicially decided that these three true returns were a part of the lawful files of the State at the time they were removed.

The situation then was that the former false returns remained alone on the files.

Turning now to the 25th district, Peck, the Republican, had a fair majority of 373 votes. In some of the election districts the clerk had sent ballots intended for one district to another district. This was held to be a fatal error by the Court of Appeals. Whole districts were disfranchised, so that about fifteen hundred electors had no voice in electing their senators. It chanced that the Republicans were in the majority in the disfranchised districts, and Nichols, the Democrat, got the seat to which Peck was elected.

Going now to the 27th district, Sherwood, the Republican, was elected by about 1,700 majority. The returns

sent to Albany showed him elected, but he was ineligible by reason of holding another office.

Coming now to the State Canvassing Board, let us see how they managed their part of the drama. They had no difficulty in the 25th district in giving to Nichols, the Democrat, the seat to which Peck, the Republican, was elected. No blame can attach to them for this act under the decision of the Court of Appeals, however unjust it was to the district to have a man seated to represent them who was never elected.

The effect of this was to raise the number of Democratic seats from fourteen to fifteen and reduce the Republican seats to sixteen. The Democrats were still two seats short of the coveted quorum of seventeen senators.

The State Canvassing Board had returns before them showing a Republican elected by over 1,700 majority in the 27th district. Knowing that they had nothing to do but to canvass returns, and could not go behind them to consider Sherwood's eligibility, they refused to give a certificate to anybody. The effect of this was to take from the Republicans one seat, reducing them to fifteen, but did not for the time being give the Democrats a seat.

In fact, for the time being, and pending the organization of the Senate soon to take place, that seat was vacant.

The Dutchess district, the 15th, was the pivotal district. A true and honest return had been made under the orders of the court; it had been duly sent under the orders of the court, and arrived in the rooms of the governor, the secretary of State, and comptroller; and it was just here that the convenient tool appointed by Hill as clerk of Dutchess County had performed the important and delicate act to consummate the scheme to deprive the State of its chosen senators, the details of which are stated

above. It would have been awkward for the State canvassers to have disregarded the true returns from Dutchess County, had they been on their files at the time they were making their canvass. After the conference of the county clerk with Governor Hill that morning in Albany, these true returns all disappeared, being taken from the State offices by the clerk of Dutchess County, thus defeating all the efforts of the judiciary to determine who was elected in the 15th district, and the State canvassers canvassed the false returns that bore the judicial stamp of fraud and gave the seat to a Democrat. This gave the Democrats sixteen seats, the Republicans fourteen seats, and one Independent Republican. Thus closed the State canvassers' work. When the Senate assembled there were thirty-one senators and one vacancy—Democrats sixteen, Republicans fourteen, and an Independent.

The Independent voted with the Democrats to organize the Senate. The Senate immediately filled the vacancy in the 27th district with the Democrat, who lacked over 1,700 votes of being elected, and the coveted quorum of seventeen Democratic senators was secured and the Senate made solidly Democratic.

An honest administration of the law called for a new election in at least two of the districts, the 15th and the 27th; in the 15th because of the death of Dean, and in the 27th because of the ineligibility of the man elected.

There were numerous actors in this drama of political crime, and it is not possible, within the limits of this paper, to discuss all the phases of the conspiracy and to point out the part which each actor performed.

It was possible and proper, touching the legal status of these three several districts, to have disposed of them through the action of the judiciary, without the interven-

tion of the governor, in the proceedings being carried on by the judges. Judge Gray states, in his opinion in the Rice case, that:

“ The constitution provides for elections by ballot, and the legislature enacts laws respecting such elections and prescribes the mode of declaring and certifying the result. For the settlement of contests over elections courts exist, with adequate powers to investigate the causes of complaints, and for that end to take proofs and to adjudge accordingly.”

While this legal and constitutional method was progressing in the Dutchess district, Governor Hill, in a summary and extraordinary way, removed from office the clerk of Dutchess County, and placed in power a man subservient to his will. He knew that the court was then investigating the election controversy at that place; that it had ample power to examine and adjudicate upon the rights of the contestants, and to cause that judicial determination to be transmitted in due form to the proper authorities at Albany. Fearing that this result might not be satisfactory to himself, the governor removes the former clerk and appoints as clerk a man whom he could and did afterward use to defeat and thwart the judiciary. It was Governor Hill's acts, by his appointed clerk of Dutchess County, that prevented the judicial determination in that district ripening in the ordinary course into a final determination in favor of the election of Dean as senator, and without Governor Hill's intervention the present incumbent, Walker, could never have taken his seat in the Senate.

In the Onondaga district, while the court was proceed-

ing to maintain its dignity and to enforce obedience to its orders by punishing, by fine and imprisonment for thirty days, a supervisor for contempt of court in not sending back returns for correction, Governor Hill again showed his contempt for the judiciary by immediately pardoning the offender against the authority and dignity of the court, so that his incarceration did not exceed two hours.

While it is true that in the Onondaga district the acts of Governor Hill did not in the sequel lead to so important results as in the Dutchess district, that does not soften in any manner nor abate one iota from the gravity of his offence in interfering with the judiciary.

Wherever there were legal proceedings in this controversy the hand of Governor Hill was seen to defeat and thwart those proceedings whenever and wherever they were supposed to be adverse to his interests and to the interests of his party.

He seems to have a great regard for judicial decisions in his favor, but great contempt for judicial decisions that are against his schemes. The regard he expresses for the decisions in his favor does not count for that true regard for the judiciary which is due from the executive for an independent and coördinate branch of the government. Our charge is not that he thwarted and defied all judicial decisions. The gravamen of the charge is that he thwarted and defied some of them.

The very thing which the fathers of the republic tried to prevent has happened in this State, through the intervention of Governor Hill. He has disturbed that balance of power which is essential to the working of a government of laws for a free people. He has made the government of this State, in the substantial language of the con-



stitution of Massachusetts, a government of men but not of laws.

It is a serious matter when an ambitious man, high in authority, thwarts and defeats the ordinary processes of the courts and robs the people of the sacred right of choosing their own rulers. It is an offence which ought not to be overlooked by a free and self-respecting people.

It is not claimed that Governor Hill performed every act which brought about this wrong. Many men of different grades were coöperating with him, and it would take a history of considerable length to detail the acts of each person. The purpose of this paper is to focalize the attention of the public upon the acts performed by Governor Hill, that their attention may not be diverted to acts performed by his co-conspirators. Without his active participation in the great crime it would never have been attempted. Governor Hill is responsible and chargeable with the whole wrong. No one man performs every act in a conspiracy. Different parts are to be performed by different persons. When we see several persons doing different things in a conspiracy, but all acting in harmony to produce a result, which result is finally consummated, the conclusion is inevitable that each one understood the part the other was to perform. Each actor is held responsible for the act of the others, and is chargeable with the knowledge of the parts the others are to play. It is particularly so of a leader in a conspiracy. When a leader boldly and vigorously performs his part, which completes the whole conspiracy, he cannot escape the charge of being a guilty party to the conspiracy in all its parts. Men co-operating for a general result cannot escape the odium of conspiracy by pointing to somebody else as having performed some of the acts. It was by the acts of Governor

Hill and those associated with him that at least two of the three seats are now occupied in the Senate by persons not chosen by a majority or a plurality of the voters in those districts.

The final consummation of the political crime came when the State Canvassing Board canvassed the fraudulent returns in the Dutchess County case, well knowing that there were then in existence true returns that gave the seat to Dean. The members of the board may live long enough to repent of the great crime, but they will not live long enough to remove the stain from the fair reputations they had possessed before this crime was committed. Charity for them can go no further than to hope that they did not appreciate the enormity of their offence against the American system of government and against the American people. The shame and the humiliation of this is a part of the history of the State of New York. It will be dealt with hereafter by the people as a serious political crime. It is a matter of solemn import to the people. If it shall become established as a part of our political history that the fruits of the ballot-box shall be snatched away from the people by those high in authority as their rulers, then elections are a farce, and the government becomes the spoil of ambitious partisans who may be clothed with power.

It is of the highest importance that we turn back and contemplate the system of government founded by the fathers of the republic, and study and ponder deeply the principles upon which it is based, before it is too late to rescue that system from destruction. This matter comes home with peculiar force to the people of the State of New York. The shame and degradation are ours.

In a larger and broader sense it is important for the

people of the United States to study well and carefully the character and conduct of Governor Hill while acting as governor of this State. He is now posing as a candidate for President of the United States. The people of the United States should calmly and deliberately determine whether they are prepared to entrust the government of these United States to a man who is so regardless of the principles upon which our form of government is founded. It is not too much to say that such a man is a dangerous man to entrust with power, where that power can be recklessly used to promote his ends and defeat a coördinate branch of the government.

It is not believed that the Democratic party have yet, as a whole, ceased to love and revere the institutions of our country. In this State there is a large body of them who are sensitive and who have resented the innovations of Governor Hill in a simple matter of party usage—in calling a State convention—showing that they appreciate the dangerous effects of transgressing, even in party usage, the practices and rules of a party.. How much greater, then, is the offence of this man in bending all the great powers of a governor of a State to the work of defeating the verdict of the people at the ballot-box, and injuring and impeding the progress of the courts of the State while investigating contested claims arising under the laws of the election? While we admire the spirit of those Democrats who resent the usurpations of Governor Hill in the routine of party politics, it would have been a pleasing spectacle, and one creditable to those who were assembled at Cooper Union, if they had taken occasion to devote a part of their time to the arraignment of Governor Hill for his invasion of the domain of the judiciary. It would have shown them not only to have been loyal partisans in

their party, but also devoted lovers of the institutions of their country. It is unfortunate that those who protested against the conduct of Governor Hill as a politician should have laid themselves open to the suspicion that they were willing to avail themselves of the benefits of his wrongful acts without condemning him for his offences against the ballot-box and judiciary.

Washington, in his first inaugural, said: "The destiny of the republican model of government is justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people."

The question of the hour is, Do the people of this State, and of the United States, possess sufficient patriotism and love for our American system of government to defend it from such encroachments upon its fundamental principles as have been made upon them by Governor Hill?

We, therefore, recommend the adoption of the following:

*Resolved*, That this club accepts and adopts the foregoing report as the report of the club.

New York, February 23, 1892.

## HAWAIIAN ISLANDS

The great importance of the Hawaiian Islands to this country is in danger of being lost sight of by the public. There was an intuitive appreciation of their importance and a general approval of their acquisition when the opportunity to do so first presented itself. The delay in ratifying the treaty recently negotiated between the United States and the commissioners of the provisional government of the islands is causing no little anxiety in the minds of those who have considered the subject carefully.

The question presents itself in two aspects: first, as to the benefits their acquisition will be to this nation, and second, as to the menace it will be to us to have their control fall into the hands of another nation. These two questions may well be considered together in the few suggestions we make by way of argument in favor of their acquisition. All the facts of the situation are not indisputably known to the public, but enough is known to safely lead a prudent mind to the conclusion that the time is now ripe for the annexation of the islands, and that such annexation is very desirable for the United States. While we are dealing with a provisional government, it is a *de facto* government recognized by substantially all the civilized governments of the world. It is the only government on the islands. Whatever may be the right or wrong of the overthrow of the monarchy, it is an accomplished fact. Revolutions in governments seldom follow on the strict lines of moralists. They are generally attended with

some wrongs to somebody, and in the affairs of nations it is not the practice, nor is it practicable, to go behind revolutions to inquire deeply into the causes of the same, or to attempt to make right any possible wrong that may have been committed. Governments deal with recognized governments. If we acquire the islands it will not be by force and conquest, but by the consent of two governments empowered to deal with each other. Under such circumstances, the acquisition of the islands will follow the traditional policy of this government. Florida was acquired mainly because it was not desirable to have a Spanish colony located there. The Louisiana purchase was made largely to prevent that vast territory falling into the hands of the British government. While the element of the value of these acquisitions weighed heavily in the transaction, the question of territorial protection was a great factor. The acquisition of the Hawaiian Islands presents itself in the same dual light. In the event of war it would be a menace to our interests and possessions on the Pacific Coast to have them fall under the dominion of any other power. In our late war we had abundant experience with so-called neutral ports near our Atlantic seaboard. The acquisition of the islands will be of great value to our growing commerce on the Pacific Ocean in times of peace. Already our commerce on the Pacific is menaced in many ways. No opportunity to strengthen our hold upon the vast lines of trade that are so rapidly developing there should be lost. Such chances generally come but once, and, if lost then, may be lost forever.

The public mind has not risen to an appreciation of the trend of events in these days in the matter of warfare. We may safely rest in peace and feel secure from any

army of men that may, under any circumstances, attack us on land. No army could, from any possible source, effect a lodgment here that we could not easily cope with, but is this the case in the event of an attack from the sea? No thoughtful man would dare for one moment to affirm it. The navies of the world are slowly but surely increasing in power and efficacy. There is now no menace of attack apparent. Numerous arguments of the most forceful kind, based upon policy and the self-interest of other nations, can be and are advanced against the probability of a naval attack by any nation. Is it quite safe to rest in peaceful security, depending upon right and justice, while our Atlantic and Pacific coasts are vulnerable to attack from the sea? Should any opportunity be lost to add anything to their security that we can? Reason as we may about the probability of such an attack, we are not safe until we make ourselves secure in the event of an attack. In the history of the world, when the time has been ripe for startling events, the movements have been rapid and unexpected to the average observer. The men to lead the movements have almost always sprung up suddenly from obscurity. No one could have foretold the genius and ambition of Napoleon ten years before all the thrones of Europe were tottering to their fall. Four years was long enough to raise our own Grant from obscurity to the rank of the first captain of his age. The Franco-Prussian war seemed to break out suddenly from trifling causes, with startling results. Because nothing seems likely to happen to involve us in a great naval contest, it by no means follows that such a contest may not come upon us. Important international events may be ripening faster than we think. Ambition and the love of glory may be smouldering now in the breast of an unknown genius of war,

who and where we do not know. We may have to meet the brunt of a blow from the sea, when we do not know. No nation has placed such tempting prizes of rich cities by the sea as we have, and left them unprotected. Let any ambitious naval nation once get possession of our chief seaboard cities, and they would sap our resources and throttle our enterprises. No hamlet of our inland country is so remote as not to suffer from such a calamity. Let no one in this broad land say, "This question does not affect me; I am not on the seaboard." The inland parts of our country have an interest in the question hardly second to that of the seaboard. The whole country has a common interest in this question, and all should look at it broadly, with a view to probable coming events in this rapidly moving age.

When Cato declared to the Romans, with repeated and increasing emphasis, "*Delendo est Carthago!*" it fired the Roman heart, and the motto and war-cry of the army became, "Carthage must be destroyed!" and Carthage was destroyed and its very foundations dug up. Carthage was across the sea, more remote from Rome than many of our cities are from powerful seafaring nations, when we take into account the improved methods of modern navigation. How long shall we hold out these tempting, unprotected prizes of rich cities by the sea, inviting the ambition and cupidity of naval powers? Some progress has been made within the last ten years in meeting this condition of things, but it has been painfully slow, especially in the matter of coast defences on the land. There are already too many powerful naval stations near our Atlantic Coast for our comfort. We should not repeat the folly on the Pacific Coast that we have been guilty of committing on the Atlantic Coast, of neglecting an oppor-



tunity to secure, in the most substantial manner, important commercial advantages and a valuable naval station on that coast. Our interests on the Pacific Coast will be much better conserved by our annexing all the islands than it possibly can be by a concession for a naval station on one of the islands.

An objection has been urged to the annexation of the islands that somehow it is an invasion of the rights of the lately deposed reigning family and a wrong to them. The appeal for the rights of a reigning family to rule a nation does not have much force with an American. The inherent and divine right to rule by any sovereign is denied by us. The right to be ruled by a sovereign, if desired by the people of any nation, we recognize. When the people throw off the rule of a sovereign, it accords with our ideas of the people's rights. If a sovereign is deposed, he is, like other human beings, unfortunate, from his standpoint, in losing something he could not hold, but that something was a thing he had no inherent right to hold.

When a people find it for their interest to throw off the incubus of a sovereign rule, to an American they are simply asserting a right inherent in the people to rule themselves, and dislodging an unnatural and unjust claim of an individual.

An objection has been urged to the character of the population upon the islands as not a desirable population to be incorporated into the body politic. There is not much force in this objection. While it may be true that the population is such that it is not desirable to confer upon it the elective franchise, or to give the islands a voice in our national government; yet it is a fact that during our entire political history we have had abundant ex-

perience in the matter of government for people not represented in the general government.

The District of Columbia and the numerous territorial governments that we have had from time to time are illustrations of the flexibility and adaptability of our system of government to the exigencies and facts of any case. It will be easy to frame a government adapted to the best interests of the islands, if they are annexed, and time and experience will develop the form of government best adapted to their wants.

A further objection has been made to the acquisition of the islands that there are certain private interests to be conserved by the annexation, and especially that the sugar interest will be promoted by reason of the present laws providing a bounty on that product. If we assume that the motives of some of the promoters of the revolution are not altogether disinterested, and that there are some private interests that they hope to conserve, the objections on this score are worthy of but little consideration, for the reason that the whole matter will be a subject of regulation by Congress at some future time, if the provisions of the treaty of annexation have not already sufficiently guarded this point.

There seems to be no doubt that the interests of the people of the islands will be greatly promoted by annexation to the United States, and there seems to be no reasonable doubt that in future years the interests of the United States will be greatly promoted by the annexation of the islands.

Therefore, *Resolved*, That the Union League Club approves of the annexation of the Hawaiian Islands, and earnestly recommends the ratification of the pending

treaty between the commissioners of the provisional government of these islands and the United States.

*Resolved*, That it recommends to each senator in the Senate of the United States that he use all honorable means to procure the ratification of the treaty as a measure of great and lasting benefit to this country.

New York, February 28, 1893.

## ELECTIONS OF 1893

Important elections are about to be held in this and other States of the Union. The Democratic party is about to ask for an endorsement by the people at the polls. Every election in some measure reflects the sentiments of the public as to the party in power in national and State affairs. The present crisis in our affairs makes a proper occasion for the presentation of practical suggestions for the consideration of the public.

These are not times when individuals, as statesmen or leaders in parties, need be seriously considered. We do not underestimate the importance of able statesmen or brilliant leaders on either side in the two great parties. The individuality of any person, however, plays a minor part in the great controversy, except as it may contribute to the triumph of the principles and policy of one party or the other. A great leader may lead a great party to success; but while success may redound to his glory, the desirability of that success will depend entirely upon the party behind him. The trend of the principles of the party will finally be felt by the country. Good will not come to this country from the triumph of a party whose principles always lead to disaster.

It has sometimes been said by the friends of the Democratic party that it has a "genius for government." The facts of history would seem to establish that, on the contrary, it has a genius for misgovernment. Democrats love to refer to some of the fathers of the republic as the

founders of their party, and point to that fact as evidence of their respectability and ability to govern. It is impossible to match the principles of the fathers referred to with the principles and policy of the Democratic party of the last sixty years. All will agree that the Democratic party governed the country for twelve years under Jackson and Van Buren, from 1829 to 1841. At the end of this era of government by Democratic genius, the country was brought to a most deplorable state of distress. In the midst of this distress the country voted to turn the party out of power at the general election of 1840. From 1840 to 1852, the succeeding twelve years, the country voted alternately for the Democratic and Whig parties, and the country had a mixed policy and a mixed prosperity. From 1853 to 1861 the country had another long era of control by the Democratic party. The result of that term of power on the part of this party is known by all. The financial distress of 1857 was one of the events pertaining to it. The end of Buchanan's administration was financial distress, a bankrupt treasury, and a threatened civil rebellion. Such was the condition of the country after eight years continuous Democratic control that the people again turned them out of power. While out of power the party opposed almost every important measure. It embarrassed the government while putting down the Rebellion; it opposed the constitutional amendments, the resumption of specie payments, and many other most salutary measures. Not until 1893, thirty-two years after the Democratic party went out of power, was it again intrusted with full power in the federal government.

The first term of President Cleveland was not a period of Democratic control, because that party did not control both branches of Congress and could not impress its policy

on the country. That term was spent in administering laws then on the statute books, placed there by the Republican party. At the time of the last change of parties the country was on the high tide of prosperity. Its condition was unlike the conditions that prevailed when the changes of 1840 and 1860 were made. Then, in each case, the country was in the throes of agony from Democratic misrule. This time the change was made by a new generation who had had no experience of the evil tendencies of Democratic government. They seemed to look upon a change of party in the government as a gala-day frolic, a mere holiday outing, utterly oblivious of the tremendous consequences to flow from such a mad frolic. Warnings and arguments produced no effect. The Democratic party was placed in power by an overwhelming vote.

This party seems to have a strange affinity for all the odds and ends of political principles that spring up in various parts of the country. We have seen the Democratic governor of a sister State pardon anarchists who had been convicted of a foul crime against society, and the judge and jury who tried them denounced by this governor in a most shameful manner, as if the judge and jury were the real criminals. While this party does not formally adopt all these strange doctrines, yet the presence of these fragmentary parties in the Democratic camp increases the hosts of its voters at the polls. This does not make a harmonious party with which to carry on the government, as is well illustrated by the present position of affairs in Washington.

The immediate question of the greatest importance to the country is the repeal of the so-called Sherman Bill. This law was placed on the statute books to relieve the country from the evils of the Bland Silver Bill,

which was threatening to engulf the country in financial ruin.

Whether the Sherman law was a wise or unwise act at the time may be a debatable question. It was thought that it would arrest the continued coinage of silver, and so, in a measure, meet the evils of the Bland Bill. Experience, however, has shown that the necessities of the country require its repeal. The President, in response to the demands of the business interests of the country, called Congress in extra session to consider this one question. Both branches of Congress being Democratic, harmony would ordinarily be expected to exist in the legislative and executive branches of the government; and yet what a strange spectacle is presented!

The first measure of this administration is without hope of being passed, except with the support of Republicans. This administration, at its very outset, is powerless to carry this measure with the votes of its own party. The Republicans must stand by the administration or it fails. To-day, the sole hope of the country is in the steady patriotism of the Republican minority in Congress.

While the present depression is undoubtedly to some extent due to the policy of purchasing silver on behalf of the government, another factor of almost equal importance, and, in the opinion of many, of greater importance, is the threatened changes in the tariff law.

What the Democratic party has been unable to do on the silver question, and what it threatens to do with reference to the tariff, has brought the country to its present condition, and is a good illustration of the effect of Democratic control upon the country. It is in harmony with its history when in power, and coincides with the results which usually flow from its advent to power. It does not seem

a harsh or unjust conclusion, after three trials of Democratic control within a period of sixty years, to hold that the Democratic party lacks the capacity to govern the country well, or that their principles of government are such as to lead to inevitable disaster.

In our annual report, made to this club in January last, we took occasion to say, referring to the tariff policy advocated by Republicans:

“ The record and history of this club have been one of unfaltering support of this important and beneficent national policy. No believer in this policy can have his belief in the same shaken by the temporary defeat which we have sustained. The history of the country shows that prosperity has always attended it when its fiscal policy has been framed on the lines of protection, and depression and distress have followed when its fiscal policy has been framed on the lines of low tariff or free trade. Thirty years of unparalleled prosperity is the record made by the Republican policy. During that time a new generation has grown up who have seen fit to be guided by theorists rather than to follow the sure lamp of experience. Those now living who have had experience of Democratic administration of governmental financial policy are comparatively few. If the Democratic party applies to our fiscal policy the principles it professes, this new generation will soon have the experience that will enable it also to appreciate the wide difference between Democratic and Republican doctrine on the tariff. Assuming that the Democrats in good faith apply the principles that they taught, we may confidently look forward to a renewal of the great discussion, when we will have not only our history, but the then present experience, to illustrate and en-



force the wisdom of protection to American industries as the true American policy."

We do not at this time propose to discuss the tariff principles of the Democratic party. This club, during years that have passed, has contributed its full share to that discussion. We do not abate one jot or tittle from what we have heretofore said on that all-important question. We are now in the presence of a proposed practical application of the principle of our opponents, and the first effects are upon us—manufactories seriously checked, business prostrated, laborers either unemployed or employed at reduced wages. Such are some of the effects that attend the resumption of power by the Democratic party. While the country is suffering for want of legislation to give life to its business and industrial interests, that party, true to its instincts, seems more intent to break down the safeguards around the ballot-boxes, for party ends, than it is to promote the interests of business men and laborers. If the federal election law needs amending in the direction of guarding more carefully the ballot-box, that might justify taking action at this time on that question; but such a course is not good Democratic policy.

If we turn to the State we find the same party with a "genius for government" in power in the State and municipal governments; and what a spectacle—a machine government where about six men direct the affairs of the State! A Democratic State Convention to nominate officers is a farce. Manhood and deliberation in selecting candidates for offices have no place in their party councils.

We have witnessed the will of the people, declared through the ballot-box, defeated by the great steal of the senate of this State. This political crime was planned by

the then governor and carried out by the assistance of many high officials in the Democratic State government. The law of the case, as decided by the courts, was defied and disregarded. The very citadel of free government was surrendered and degraded by those who should have been its stoutest defenders. A sufficient time has elapsed for party passions to have subsided, and intelligent citizens ought to look at the great steal in its true light, as a colossal crime against free government. We have witnessed the non-partisan character of the Police Board of this city changed to a Democratic partisan board. The legislature, installed in power by fraud, has made the Boards of Inspectors of Elections in the city of New York Democratic by reducing the number from four to three. These are appointed by a Democratic Police Board, and two are always, by law, Democrats, and only one can be a Republican; whereas, before, two were required to belong to each party. We have seen this same legislature change the charter of the city of Buffalo so as to give the control of the city to partisan bosses.

The chief purpose of the leaders of the party seems to be to break down all the safeguards around the ballot-box as a means of perpetuating their power. The most barefaced frauds have been practised for years by that party in the illegal naturalization of foreigners. It seems to have lost all sense of the dignity and importance of American citizenship. It wages constant warfare upon the very foundation of free government by degrading the elective franchise and defeating its results.

We have seen the State gerrymandered for party purposes; and, in some cases, so outrageously done as to call for the interposition of the courts to correct the evil. We have seen State taxes increased without corresponding

benefits to the people. In municipal governments a few bosses dictate everything. Men who a few years ago were without visible means of support, and who have since apparently had only politics to do with, are now rolling in wealth. A thoughtful, self-respecting people should ask themselves how can these things be? The party in this State allies itself with every interest that is antagonistic to good morals and good government. It draws its sustenance largely from such sources. If the present condition of things is to go on, then virile patriotism and American institutions are in a process of decay.

There is one sovereign remedy for this state of things in the nation and in the State—stalwart manhood at the ballot-box. If those who voted for a change last fall just to have a “change” are still satisfied, then they should vote to continue the Democratic party in power. If those who have voted with the Democratic party for State and municipal officers are satisfied, they, too, should continue to vote as they have. A change of men of the same party will do no substantial good. Experience has demonstrated this. It is the trend of the party and the application of its principles that does the mischief. No man is strong enough to resist successfully the force of his party. Parties are like great armies, all marching in the one direction. Individuals in the parties may be better or worse in particular cases, but all march together in the same direction. The number of persons who hold office as compared with the great body of the citizens is small, and it is not very material who the individuals are who hold them, so far as the emoluments go; but all are equally interested in good government and its results. It is this latter consideration that makes it so vitally important that the voter should study the policy and trend of a great party. Political theories

are well to discuss, but they must all be brought to the final test of experience. Those whose business and wages have already suffered enough to teach the true inwardness of Democratic government we can advise to vote that party out of every place of power within the reach of their ballots. The defeat of that party in any contest will be salutary. It will dislodge the representatives of the party from places of power, as preliminary to the great contest to wrest power from the party in Washington, which will come later. Another most important effect of voting against the Democratic party will be the influence it will have in Washington. Even a congressman is sensitive to public sentiment, and if he finds that the people have learned something what the "change" means, he will be likely to moderate his zeal in applying the declarations of the Chicago platform so as to further depress the industries of the country and lower the wages of the laboring men.

Every citizen authorized to cast a ballot ought to have an opinion as to the wisdom of Democratic government and express it at the ballot-box. If he is sure the change is for the good of the country, let him vote accordingly. If, however, it has dawned upon him that the change in parties to control the affairs of the government was a mistake, he can begin the work of rectifying the error of last fall by voting against the representatives of the Democratic party this fall.

*Resolved*, That this club declares its adherence to the principles and policy of the Republican party as best conducive to the happiness and prosperity of all classes of citizens.

*Resolved*, That the policy of the Democratic party leads

to the prostration of business and industrial interests and the lowering of the wages of the laboring men, with all their attendant evils.

*Resolved*, That it is the duty of intelligent American citizens to wrest political power from this party by voting against its candidates for office, and all Republicans should be diligent in using every honorable means to secure the defeat of the Democratic party at the polls.

*Resolved*, That the nomination by the Democratic party of Isaac H. Maynard as a candidate for the Court of Appeals shocks the moral sense of the people of this State. It is a bold attempt to secure approval of the great crime against the elective franchise, and should be resented by all intelligent citizens.

*Resolved*, That this club approves the platform of principles adopted at the Syracuse Convention and heartily endorses the candidates nominated by that convention.

New York, October 7, 1893.

## MUNICIPAL REFORM

At a meeting of this club held on the 9th day of November last, Mr. Charles Stewart Smith presented to the club the following resolution, which was unanimously adopted:

*Resolved*, That the Committee on Political Reform be requested to report at the next meeting of the club whether or not, in the judgment of the committee, it is desirable for this club to lead any movement by which an attempt shall be made to unite all good men, without reference to political affiliations, in the one issue of good government for this city; and, if so, to formulate a plan therefor.

This resolution was presented without the previous knowledge or concurrence of your committee, and the movement, therefore, does not originate with the committee. Your committee has approached the consideration of the subject, oppressed with its magnitude and importance. The task of reforming our municipal government is herculean, and requires the best wisdom and the best abilities of the best citizens of the city. Municipal government in all the large cities in this Union has generally been perverted for plunder.

The fathers of the republic founded a system of free government. The ideal that they projected was simply perfect for self-government by the people and for the people; yet, strangely enough, the system has been a dismal failure in municipal affairs. Many attempts have

been made to rectify the evil and to lead the people out of the clutches of the plunderers who have seized and hold municipal governments for their private gain. Many men have been led to give up in despair and say that the American system, as applied to cities, is a failure. They have often declared that the evil is of such a nature that it cannot be eradicated. In all other respects the American system has worked reasonably well, and with as little friction and as little fraud as pertain to any system, taking human nature as it is.

The questions presented are: "Is the foul blot of municipal fraud and municipal bad government so deeply seated that it must remain forever? Is it beyond the reach of intelligence, virtue, and integrity?" If so, this cancerous growth upon the body politic will ultimately and surely undermine the whole system of government.

We are not among those who believe the evil, gigantic as it is, beyond cure. The evil manifests itself in different forms in different cities, but in its results it has generally been disastrous in every city. The difficulty does not pertain exclusively to either of the great parties known as the Republican and Democratic parties. Whichever party is in control of a city is almost sure, sooner or later, in one form or another, to develop the same evil. In this city it so happens that, the Democratic party being in control, the evil manifests itself more clearly in that party.

The scope of the resolution and the purpose of this report are to deal with the evil in the city of New York. It is useless and unnecessary to portray all the evils of our city government. They are known by all intelligent citizens. The press and the pulpit have declaimed against them with a vigor and persistency that are entitled to all

commendation; and yet, somehow, the condition of things does not improve.

The chief head and front of the offender are found in a benevolent organization known as the "Tammany Society"—an organization, in its inception, never intended for the purpose to which it has been debased. It now assumes to itself the functions of guiding and organizing the political movements of the Democratic party in this city. Justly considered, in its action it performs none of the functions of a political party. Its methods are not democratic, but autocratic. Its results are plunder, fraud, and the debasement of the American system of government. It is simply and only, so far as its managers are concerned, a business corporation or combination of individuals for private gain and public plunder. It has seized upon all the offices of the city, and controls, through legal machinery, the magnificent annual resources of the city, amounting to about \$34,000,000. It also derives an enormous revenue from its system of assessments upon officers and employees of the city, from the highest to the lowest. It is hard to account for the sudden and enormous wealth of many of the managers of that organization upon any other theory than that there is in vogue a relentless system of plundering the city, the citizens, and the employees of the government.

To administer the trust of disposing of revenues amounting to about \$34,000,000 requires the agency of the highest order of talent and integrity. The charge is not that all of this money is misappropriated. The gravamen of the charge is that some of it is misapplied. It is in vain for Tammany magnates to point out the good work they do. Tweed and his fellow-conspirators could justly do the same thing. The demands of good government are that all,



not a part, of the public money shall be properly appropriated with the same integrity with which well-conducted private enterprises are carried on.

The Tammany Society aids and abets the most gigantic frauds upon the ballot-box, and finds in these frauds its buttress and bulwark. Wherever vice is reeking and ignorance prevails, there is found the chief support of the organization. In proportion as vice, crime, and ignorance prevail in the vilest and most degraded portion of our city, in the same proportion does the strength of Tammany increase. Without this support it cannot exist.

One of its methods of holding power consists in cunningly devised schemes to keep separate and apart honest citizens, so that at each succeeding election it can come in with its hordes of ignorance and corruption, and capture the control of the city. It has found not a few in the Republican party who have been willing to either run or not run for office, or to deliver or not deliver votes, for the sole purpose of promoting the success of this band of plunderers.

The game of politics has been so played by the conspirators and enemies of good and honest government as to keep absolute control of the city government. We can well believe that, as they have played their game, they have exulted with glee at the thought that honest citizens and lovers of good government have gone helplessly and almost foolishly to the polls, year after year, nullifying one another's votes by voting a ticket labelled either Republican or Democratic, while they, in the background, with their forces of ignorance, vice, and corruption, have cunningly kept their hold upon the city.

It is time to throw off this disgraceful burden. No man of intelligence who has given the subject the slightest

thought has ever doubted that the vast majority of the electors of this city are honest and desire a clean, able, and honest government, and that they have the power, if they will exercise it, to produce this result.

One of the favorite arguments that has been urged and repeated time and again in both parties has been that it is necessary for the good of a party to keep the same party organization in city matters; that to abandon the national and State party organization in city matters for the sake of the city and support a reform city ticket would demoralize the respective parties on national and State issues. We think this is entirely fallacious and will not bear examination. Neither the Republican nor the Democratic party by itself, as a national or a State party, exists or can live one minute for the benefit of the city of New York. National questions and State questions are in no way related to or dependent upon the character and integrity of the city government. Men may justly differ in their opinions upon the tariff, upon currency, upon banking, upon silver, upon interstate commerce, upon foreign relations, and upon a multitude of questions that pertain to the national parties, and may unite for the purpose of a good city government.

It is not easy to see what connection there is between the tariff, the silver question, and the affairs of the navy and other kindred subjects, and the building of docks, opening and paving of streets, extending the waterworks of the city, putting out its fires, or policing the city, and all other matters pertaining to the government of the corporation of New York. We see no reason why men should surrender their personal views upon national and State issues because they coöperate for a pure city government. In fact, the city of New York is not a nation or a State,

but it is in reality a corporation created for the benefit of the citizens, and in many respects like other corporations, although on a larger scale.

It is well known that all these organizations are controlled and managed by men of different political views. In selecting these men the question is never asked as to their views on the tariff, banking, silver, foreign relations, or any other question pertaining to the government of the nation, or as to any questions touching the government of the State. They coöperate and co-work with the perfect understanding that they have diverse political views and that they surrender none of them by such co-operation in these various corporations.

Even in business co-partnerships men of diverse parties work together without regard to their affiliations with either party. The employees of these institutions are never selected because of their connection with one party or the other, or by reason of their efficiency as party managers or "heelers." The sole and only question is and should be, "Are they competent and qualified to fill and discharge the duties of the position in the corporation that employs them?" It would be looked upon as an outrage if the officers and managers of these corporations were to annually and regularly assess the employees, from the highest to the lowest, for the purpose of promoting the prosperity of a political party. The corporation of the city of New York, as a business corporation, should be run and managed upon the same principles that any other well-managed corporation is conducted.

In coöperating as we have indicated, it should be distinctly understood that no man surrenders or abates in any way or manner his affiliations with the political party of his choice; that upon national and State issues every

citizen may take his position under and align himself with the party of his choice, and his reasons for doing so or his activity in that party should not be subjects of question within the domain of a reform party for city government. If such a result can be obtained it will tend to purify both parties. It will remove the foul stain of corrupt municipal government from American institutions, and will demonstrate the wisdom of our fathers in establishing the basis of our government as they did. It will no longer be said that in all other respects the system was rightly conceived and properly adapted, but that it is not adapted to municipal government. The occupation of men who follow politics for a business will be gone.

The recent elections are full of hope and promise. It has been demonstrated that, when honest citizens unite, the powers of corruption and fraud can be driven from high places. With unity and vigorous action the task will be an easy and successful one. Both parties, as national and State parties, will remain in the field, contending for the principles they espouse, and will succeed or fail as they shall succeed or fail in impressing their respective views upon the voters. Activity for a national or State party in any legitimate way by an individual should be a personal privilege unaffected by reason of such person's affiliations with the movement we suggest. The same freedom of political action should remain to each individual as now remains to them when coöperating for business, benevolent, or social purposes. No man should be disqualified for holding office in this city because he is active either as a Democrat or as a Republican.

Municipal government in this city is worthy of the best efforts of its citizens to rescue it from the spoilers and plunderers. The questions for each citizen to ask himself

are: "Is it wise, is it good judgment, to leave the city government a football in the political contests over national and State matters? Should I hesitate to do my duty here, for fear such action may have a remote influence upon these other issues?" This noble city is worthy of an effort to purify its government. By such an effort good government for the nation and State will be promoted, and American institutions and the American system of government will be purified and vindicated. Nothing will be lost to the nation or State, and everything will be gained for the city.

As preliminary and necessary conditions for securing a reform city government, a change should be made in the ballot law, by having a just and fair blanket ballot. If separate municipal elections are not secured, it should provide for voting, without trouble to the elector, a city ticket unembarrassed by a national or State ticket. Provision should be made to exclude congressmen, State senators, and assemblymen from the city ticket.

The non-partisan character of the Police Board should be made mandatory by law.

The non-partisan character of the Boards of Election Inspectors should be reestablished.

The municipal election should be separated from the national and State elections.

The power to make appropriations at Albany that impose taxes should be taken away, and all city appropriations should be made by the municipal government. Then the voters would be brought face to face with the men who impose unjust taxes, and they would see to it that the character of the men they vote for is such as to justify their confidence.

At this time it is of the first importance that the hands

of the men who are engaged in the prosecution of offenders against the election laws should be sustained, not only by the moral support of this club, but by its material aid. Nothing would tend so strongly to promote reform in this city as the punishment of these old and habitual offenders against the purity of the ballot-box.

The plan proposed is not based upon the idea of opposition to Tammany alone. Nothing is gained by ousting the present government only to make place for another gang of plunderers and spoilsmen. This club will not knowingly be a party to such a movement. The central idea of the movement should be good and honest government in the interest of the city, its taxpayers, and citizens.

It will be observed that the purpose of the plan outlined by your committee is to sever absolutely, and as completely as possible, State and national issues from the vote on municipal affairs. For this reason we do not recommend coöperating in electing senators and members of the assembly. Their functions and duties lie entirely outside of and beyond the scope of the purposes of this movement. This is especially and notably true every few years, when the election of a United States senator is pending. We are not unmindful of the desirability of procuring a better class of representatives for the city, but we recommend that these offices be left for reform by such methods as the representatives of parties may apply within their respective parties. For the same reason members of Congress should be excluded from the scope and purpose of the proposed coöperation. Here, also, the elector will wish to express his preference on national policy.

The plan proposed can only succeed by the union of the vast body of citizens of the city, irrespective of party affiliations. Neither can it succeed without the powerful

support of the independent press of the city, whose power to arouse public sentiment was so splendidly illustrated in the late election. We earnestly bespeak the coöperation and support of the press in this effort to sever municipal government from national and State issues.

In this work the club will coöperate with any existing organization, or any that may be formed, for the purpose of rescuing the city from the hands of those who now control its destinies, provided it can be done on a truly non-partisan basis. It fully appreciates that this is a herculean task. The spoilers have fastened their fangs upon the city and will not be dislodged easily. It is only by united, persistent, and organized effort that there can be any hope of success. If public sentiment can be properly aroused, united, and marshalled, the triumph will be easy. No one then need apologize for the deplorable state of things in the city, but all who unite in this work will be proud of the city government and proud that they have taken part in the great reform.

The city is full of earnest, honest young men who will be glad to rally to the standard of reform and take part in organizing and carrying forward the work, if only the hope can be held out that it is a permanent reform; that it means a revolution and a reversal of the history of the government of the city; that it is no ephemeral movement, but a reform inaugurated to be carried on until the war ends and victory crowns with triumph. Then it will be an honor to be nominated for an office and an honor to hold and fill an office. Young men may then very properly, with self-respect and sterling manhood, seek for promotion, knowing that to hold a city office will be a decoration. It should be a badge of honor to hold an office, rather than a badge of disgrace and slavery. Proper

ambition for office should be commended rather than checked.

This club occupies a proud position as an exponent of the principles and policy of the Republican party. Under no circumstances will it surrender its position or agree to abate its activity for the maintenance of the principles of that party in national and State affairs. It does not believe that in coöperating with the citizens of this city for the purpose of rescuing the city from misrule its power or influence on national and State affairs will be in the slightest degree impaired. Neither do we ask that any other political organization shall surrender one iota of its activity in promoting the views it may maintain upon all other questions. On those questions we will go before the people differing as heretofore, and seek their approval of the views we respectively entertain with the same earnestness and unabated vigor, notwithstanding we join hands and join forces for the purpose of good government in the city.

The question of reform in this city is liable to be greatly influenced by the action taken in the Constitutional Convention and by legislation at Albany, and it is impossible to forecast what that will be. If separate municipal elections shall be secured the outcome may be the formation of a permanent city reform party, irrespective of all party affiliations in national and State affairs. If such shall be the result it will be well. The time is not ripe for the consideration of that question.

This club, as a club, is not adapted by its organization to lead in such a movement. Its traditional policy is not to take part in party organizations. Besides, its well-known political character would foredoom any movement of that kind of failure. The members of this club as



citizens may properly unite with other citizens in such a movement, and if such a movement should be inaugurated and should appear to lead the way to a truly non-partisan city government, undoubtedly this club would give cordial support to such a ticket.

The present attempted reforms within the Republican and Democratic parties will no doubt have an important and far-reaching influence. These movements will be closely watched by the best citizens of both parties, and it may be that a genuine reform government will be evolved through those organizations. The citizens are in no temper to be trifled with in this matter. Reform in the city government is demanded, either within the old party lines or by a disregard of them in city matters.

Your committee, with a full sense of the great responsibility that has been placed upon them, and with a full appreciation of the importance of the subject, submit this report for the thoughtful consideration of the club and the citizens of this city generally, and recommend the adoption by the club of the following resolutions:

*Resolved*, That the Union League Club ratifies and adopts the foregoing report of its committee.

*Resolved*, That, within substantially the lines indicated by this report, it pledges its hearty support and coöperation to all associations, political organizations, and individuals who may join in the effort for the election of a city ticket to secure a non-partisan reform government for the city of New York. That if a union of the citizens of all parties for municipal reform shall be effected and a genuine reform ticket shall be nominated, it pledges its hearty support to such ticket.

New York, January, 1894.

## BENJAMIN HARRISON CAMPAIGN

In the pending political contest going on in this country the centre of the battle is the fiscal policy of the government. The Republican position on the tariff question is that, in levying impost duties to support the government, they should be so levied as to promote domestic industries. This policy is popularly known as a protective tariff policy.

The platform adopted by the Democratic party declares that the "federal government has no constitutional power to enforce and collect tariff duties except for the purposes of revenue only." The issue between the parties, assuming that it is the purpose of the Democratic party to obtain this revenue from imposts, is, therefore, reduced to one of two methods of getting the revenue—one a strictly revenue tariff, and the other a protective tariff.

It is admitted on all hands that the primary purpose of impost duties is to raise the money necessary to support the general government. The most vital function of a government is the power to raise money for its support. A government's existence depends upon its possession of this power, and the exercise of the power must go on or the government will fail. Whatever difference of opinion there may be as to forms of government, all have this cornerstone in common. Political economists may differ as to the method of raising the money, but all agree as to the basis upon which the political structure we call a civil government must stand. There are but three sources, with trifling exceptions, known to civilized countries, from

which to derive revenue, and those are either impost duties (commonly called tariff duties), export duties, and internal taxes, or direct taxation in some form. Export duties form no part of the fiscal policy of this country and need not be referred to again. Statesmanship in financial matters has to deal with the method of raising the necessary moneys to carry on the government. It is the statesman's duty to point out the place or places from which, and provide the means by which, the collection of the money can be enforced. The political economist may very properly point out the best method of raising the money so that the burden may fall as lightly upon, and be distributed as justly among, the people as possible; and, therefore, the statesman should be a political economist.

For the fiscal year terminating June 30, 1891, the United States Government raised from impost duties \$219,522,205. It raised from internal revenue \$145,689,249. The post-office receipts were \$65,931,785. From other sources about \$27,000,000 were raised, making the total receipts of the government for that year the sum of \$458,544,233. For the purposes of this discussion we shall only deal with the customs duties, stated in round figures at \$220,000,000, the amount received for the fiscal year terminating June 30, 1891, as reported by the Treasury Department at the opening of Congress in December, 1891. This is approximately the sum required each year to support the government. It is probable that a smaller sum of customs revenue will be reported to Congress next December. As to the doctrine of protection herein contended for, it will be the same whatever that sum may be. We take the last official report made to Congress as the basis of our paper.

In dealing with this sum we shall assume that the Demo-

cratic party intends, in good faith, to raise it by impost duties, and that it proposes to levy it somewhere upon foreign products landed in our ports. While it is undoubtedly true that the Democratic party has a vast body of free-traders who are trying to educate the people into the doctrine of free trade, it is not nominated in the Democratic platform that such is the intention of the party; and, for the present, they cannot object that we assume a *bona fide* intention on their part of continuing impost duties to secure at least that amount of revenue. Such being the fact, it becomes vitally important to the business interests of the country to know with certainty what it is that they mean to tax in order to raise this money.

There is no difference in the quality of the money that is turned into the Treasury by an impost duty, whether it comes from a duty so levied as to protect American industries or a duty levied for revenue only, regardless of our industries. If one is a tax upon the consumer, the other is also a tax upon him. They are precisely alike in that feature of the question. The burden of it as a tax must be carried upon one shoulder or the other.

Revenue reformers and philosophers are constantly talking about a protective tariff as if it were a tax for the benefit of a favored class, which they call the manufacturers. Such an assertion is untrue in fact, as they well know. The impost is not for the benefit of the manufacturers, so far as raising money is involved. The impost is for the support of the government, and to enable it to perform its functions without levying a like amount in some other form upon the people; and the question comes down, in its final analysis, whether, on the whole, this method of taxation by imposts so levied as to promote our

industries does not promote the general prosperity in a higher degree than any other mode of taxation.

Among the powers conferred upon Congress in the Constitution is the power "to lay and collect taxes, duties, imposts, and excises." There is no limitation as to the purposes for which duties and imposts shall be laid, but they are required to be uniform throughout the United States. The framers of the Constitution understood that there were two purposes of "duties and imposts"—one was to raise revenue, and the other was the protection of manufacturers. The second act of Congress, passed immediately after the opening of the first session, which act was signed by George Washington, declared that "it is necessary, for the support of the government, for the discharge of the debts of the United States, and for the protection of the manufacturers, that duties and imposts be laid upon imported goods, wares, and merchandise."

Here we have the dual purpose declared by the men fresh from the Constitutional Convention. One was to raise money, the other was to protect manufacturers. These purposes were to be affected by duties laid on "imported goods, wares, and merchandise." It is in the nature of the case that an impost upon what we can produce must act in some degree to protect them. These consequences must flow from any tariff except one levied upon things we cannot manufacture or produce. No one has as yet advocated a tariff so limited.

The Republican doctrine of a protective tariff accepts this secondary effect of promoting our industries as an effect of the greatest public benefit.

As often happens in the affairs of life, the secondary effect in many cases becomes of greater importance than the primary object. If, as a result, revenue in some par-

ticular cases is lessened by reason of the increase of the domestic manufactures, experience has shown that the country has greatly prospered as the consequence. The primary purpose of the tariff and the secondary effect of it must stand or fall together.

One of the purposes declared in the preamble of the Constitution is to "promote the general welfare." The body of the Constitution gives power to Congress to "provide" for the "general welfare." If the general welfare is promoted by a protective tariff, it is within the terms and scope of the Constitution as applied and defended by its founders. The wisdom of continuing an impost is a question of good or bad policy for political economists and statesmen to consider, after carefully studying the effect of an impost law, both as to its primary purpose and secondary effect of protection. The doctrine of a protective tariff involves the two purposes of raising revenue and the protection of our industries by duties and imposts.

The phrase "revenue tariff" is the most elastic and inaccurate phrase that ever crept into the political history of this country. Its inexactness consists in this, that it does not express a certain policy. It is elastic enough to embrace a protective tariff, for the revenues of a protective tariff are precisely the same as the revenues from a revenue tariff in so far as they go towards the support of the government. A revenue tariff may be a good protective tariff, or it may be a very bad protective tariff, and yet produce the same results in furnishing money for the government.

The people are in no mood, when such vast interests are at stake, to accept phrases for facts, and platitudes for clearly defined policy. This phrase "revenue tariff" had its greatest virility for political juggling in the great de-

bate on tariff policy between 1840 and 1850. Its uncertainty enabled it to do duty in manufacturing States like Pennsylvania and the New England States as a protective tariff, and to do duty in the South and West for a non-protective tariff. What the people now desire to know is, Do the Democrats propose to raise this money by imposts upon substantially the same articles that the Republicans are raising it upon, or do they propose to raise it by imposts upon other articles? If upon other articles in general, what articles do they propose to levy the duty upon? If the reformers will develop their ideas as to where they propose to levy these imposts to raise this \$220,000,000, the business interests of the country can then study the problem of its effect upon those interests. Until they go further than to proclaim that they propose a "revenue tariff," they are justly chargeable with concealing their purposes and deceiving the public.

It is an easy matter to formulate a revenue tariff which shall furnish to the country \$220,000,000. It is of vital importance to know upon what subjects these imposts shall be levied. A revenue tariff could be easily framed that would furnish this money by taxing tea, coffee, sugar, crude rubber, and a multitude of other articles that must be imported into the country, and it would fall strictly within the definition of a revenue tariff. The Democrats have never yet agreed upon a definition of the phrase "revenue tariff." Formerly they used to be pressed to the wall for a definition, and in some instances it was defined to be the business of the government to raise money in the most convenient and economical manner for the government, regardless of the manufacturing interests of the country. Do they mean that to-day? If they mean to levy it so as to promote American industries, then it is

essentially a protective tariff, the same in principle as that contended for by the Republicans. Differences of opinion may arise in special cases as to the amount and subjects of taxation, but essentially a revenue tariff which promotes American industries is a protective tariff. A revenue tariff which disregards American industries may be a most excellent revenue tariff so far as mere revenue goes, and produce precisely the same support for the government that a protective tariff does, but may be very destructive to the industrial interests of the country.

If the Democrats do not propose to levy their revenue tariff so as to promote American industries, then it is fair to presume that they propose to levy it disregarding those industries. They will then be practically upon the basis of a revenue tariff such as was contended for by many of the speakers and writers between 1840 and 1850. That the present tariff raises revenue for the support of the government is not the point of attack on the part of the Democrats. That it performs this function efficiently and well they must concede. And so far there seems to be no good reason why it is not just as good a revenue tariff under which to support the government as any tariff that they could frame. This tariff performs all the functions of a revenue tariff, furnishing just about the right amount of money for the needs of the government which should be derived from this source.

The question is, Do the Democrats mean, in good faith, to raise by impost duties \$220,000,000? There can be but two answers to this—one is that they do, and the other is that they do not. If they do raise the \$220,000,000 they must raise it by some method which will promote our industries or by a method which disregards them. The first method is simply and purely a protective tariff, and



the debate over the great subject immediately descends to a question of detail as between the respective industries. Here there is a field for wide difference of opinion, and the result will be, as it always has been where interests are so diversified, extending over our great country, with a population of sixty-three millions, that many compromises will have to be made before any tariff can be agreed upon.

If they do not propose to raise the entire sum by imposts, but to reduce the amount of money collected on imported goods, this is important to be known. There is but one other source for them from which to furnish support to the government, and that is to reestablish many of the vexatious and unpopular kinds of direct internal taxation that were in vogue during and subsequent to the war period. The field of internal taxation is pretty well worked at this time to support our State, municipal, and local governments, and the people are not anxious to see the tax gatherer for the general government asking for a further sum for its support. It is not yet made clear to them that it is desirable to change the traditional policy of this government. Since its formation this policy has been to seek support from impost duties whenever a sufficient sum could be realized from that source.

The Republican principles are clear, clean-cut, and easily defined. The Republicans without hesitation declare their intention to raise this revenue by impost duties; that they do not propose to enlarge the number of sources of internal direct taxation from which revenue may be derived; that they do propose to levy these imposts so as to promote, rather than depress, our industries. However the wisdom of a particular impost may be debated, the broad principle remains precisely as we have stated it,

and upon this principle we are willing to submit our position to the verdict of the people.

If the Democrats do not propose to promote American industries in raising the revenue, it is not very unfair to assume that the definition given of a revenue tariff as one that raises revenue, regardless of its effect upon domestic industries, is the principle upon which they go before the people. On this basis it is difficult to explain the fierce attack that they have made upon many of the provisions of the McKinley Bill. If the McKinley Bill raises revenue, why should not the Democrats at least be indifferent to the question whether it does or does not promote American industries? One of the most amazing and unaccountable, and in some aspects amusing, incidents of the discussions on the part of the reformers is the terrible onslaught that has been made upon the provision in the McKinley Bill imposing an impost upon tin plate. Certainly, if American industries are not to be promoted, but revenue is what is sought, it is just as well to derive revenue from that source as from any other. The protectionist claims that this provision will operate, within a reasonable time, to transfer to this country a most important and valuable industry. The revenue reformer and free-trader denies this proposition. Let us look at it in the two aspects. It either will do it or it will not do it. If it will not do it, the impost will certainly go on turning revenue into the government, performing the functions of a revenue tariff, and so render good service for the support of the government. The only question, therefore, which would seem to be pertinent to the issue as to the propriety of this impost would be whether it is an unjust tax on the people. If it is a tax carried as lightly as any other, why should not a revenue tariff embrace this impost? If it is a tax

carried more lightly than many others, it certainly serves a most useful purpose.

In the light of the brief experience we have had under that impost, it is a fact worth noting that the great body of the consumers have paid nothing by way of an advance in the price of their tin utensils or canned goods. For the truth of this we can appeal to every householder and every housewife in the land. For the service that this impost renders as a revenue measure, it is certainly entitled to the commendation of a revenue tariff man. It may be that it has received this just meed of praise from this class of writers, but if it has it has escaped our observation. It ought also to be a comfort to the reformer to know that the people are paying no advance on their tinware or canned goods by reason of this impost; so that the impost has furnished revenue without burdening the consumer. This feature of the operation of this impost ought, in common justice, to have received the commendation of the revenue reformer. How the burden of the impost has been adjusted as between the tin-plate manufacturer and the manufacturer of tinware and tin cans ought not to interest the reformer very much, for these people are only manufacturers, and, upon the theory of the revenue reformer, they are not entitled to much consideration at their hands. The reformer's whole burden is unjust taxation upon the consumers. Taxation which does not rest heavily upon consumers should be, from their standpoint, ideal taxation, and such seems to be the character of the impost upon tin. If, on the other hand, this impost, while doing this beneficial work of furnishing revenue for the government, should operate, as the Republicans contend it will, in transferring to this country this important industry, as hundreds of other industries have been trans-

ferred under a like policy, widening the field of labor, what particular harm is done to the country? We feel confident that the people will look on with approval while this process is going on, even though the theories of the reformers go down before the irresistible logic of the fact. It may be hard on the theorists, but they will only suffer one more defeat in the same line of the many defeats they have suffered during the last forty years. Theories have always had to go down before the logic of facts, and no class of theorists have ever had to suffer so many defeats in that way as the free-traders and tariff reformers of this country. According to the theories of the free-traders and tariff reformers, if the protective tariff is removed from industries that we can prosecute in this country, the cost of the article will be cheaper to the consumer. This is the whole burden of their argument. If the facts of our experience justified their conclusion it might present a grave question as to the wisdom of continuing impost duties in this country. Many considerations, such as the effect of free trade in destroying fields of labor, would still remain to be considered. Experience shows that the theorists are wrong as to the effect of a protective tariff on prices to consumers. It may be put down as a general proposition, established by the experience of the last forty years, that whenever the foreign manufacturers have had our markets, the consumer has paid higher prices for his goods than he has paid after our domestic industries were established under a protective policy. Upon this point we may challenge the experience of the great body of the consumers throughout the land. Let them reflect in their own mind upon the prices formerly paid by them for various articles in every-day use and the prices they now pay for the same articles and they will be convinced. If there

are any exceptions to this rule, they are so rare as not to abate from the force of the rule as a general proposition. The exceptions, if any, will generally be found to be in luxuries. The instances which illustrate this are innumerable. Explain it as the reformers may, steel rails, carpets, crockery, glassware, table cutlery, silks, silk ribbons, dress goods, watches, steel wire nails, linseed oil, soda ash, steel hoops, cotton ties, and numerous other articles of a kindred nature in common use, embracing almost all the wants of the people, are purchased every day by the consumer at a lower price than they were furnished to us by the foreign manufacturer before our own industries were able to enter the field in competition with the foreigners. This is all wrong, according to the theorists; but somehow the fact stands out in our experience, which leads to the conclusion that the theorists left out, in their calculations, some important elements. We suspect that they do not give due credit to the cupidity and love of gain of the foreign manufacturers. At all events, we know of no experience in this country which justifies us in giving up our home markets—the best in the world—to the manufacturers in foreign countries, for the purpose of getting goods for domestic use at a lower rate than we can get them with our own manufacturers in the field as competitors.

The fact that a rival nation greatly desires another nation to pursue a certain policy raises a strong presumption that that desire is a selfish desire. Our greatest rivals in this conflict of interests are the manufacturers of Great Britain. Their desire that we should change our traditional fiscal policy is intense. No one knows how intense it is who has not travelled in England and conversed with the leading and business men. Nothing could occur

throughout the world that would afford such unbounded joy to the English public as the success of the Democratic party in the election of Grover Cleveland, because it would mean the abandonment of our fiscal policy. If the change of our policy were in their hands to make, whether you call it "free trade" or "revenue reform" it would be accomplished immediately.

The question that arises at once in the mind of a wary man is whether this intense desire on the part of Great Britain for us to change our policy is for the good of England or for our good. A sagacious business man would be likely to suspect that it was a selfish desire on the part of the English, and not a benevolent wish to promote our prosperity. If he looks carefully into the policy of the English Government for more than one hundred years past, he will find that wherever it has sought to influence foreign nations, whether by persuasion, diplomacy, or gunpowder, it has always been with a single eye to British interests. We are second to none in our admiration for the sturdy enterprise and sterling individuality of that nation; but we cannot shut our eyes to the fact that wherever she has by any means imposed her policy upon another nation it has always been to sap the resources of that nation for her own benefit. She has not been able even to hold all her own colonies to her own free-trade theories, for they have discovered that their prosperity has been too much prostrated by a policy which has built up England's greatness.

It is a singular fact that the Democrats, reformers, and theorists who are seeking to break down our traditional fiscal policy in this country are working exactly in harmony with, and upon the line desired by, Great Britain. The American people, if they are wise, should be very

slow to believe that such policy is for our benefit rather than for the benefit of the British Empire. Admiring as we do the sagacity and force of that great people, we earnestly protest against adopting their policy, which was in vogue in this country before the American Revolution, and practically in vogue after the Revolution until our Constitution was adopted. We prefer rather to stand with Washington, Adams, Jefferson, Madison, and Monroe, who had experienced the effect of British policy upon our trade and industries, and who established, with our Constitution, the principle of protection to American industries and defended the same during their lifetime.

Free trade is essentially a British policy. It is softened and modified by the phrase "revenue reform" so as to make it palatable to the American people; but it is none the less a distinctive policy, antagonistic to the American policy of protection under which we have flourished, whenever that policy has been in vogue, for more than one hundred years. The nation that consents to reduce itself to be a producer of food and raw materials for a manufacturing nation is from that moment a vassal of the manufacturing nation.

The policy of reciprocity in certain lines of foreign products is one of the latest developments of Republican statesmanship. It is too soon to determine the full effect of this policy, but the Democrats, with their usual promptness, denounce it a "sham." In what particular it is a "sham" they do not declare officially. No one pretends that it has injured our foreign commerce. Every one knows that it has opened or enlarged numerous foreign markets for many millions of dollars' worth of our farm products and manufactures. The only thing that the Democratic party has been consistent in for more than

thirty years is its steady and uniform denunciation of every measure brought forward by Republican statesmen, regardless of the merits of the measure. The Democrats have had no particular line of principles that they have adhered to, except that they have always been ready to put themselves in front of Republican progress and denounce it.

Finally, they denounce the protective tariff as unconstitutional, forgetting apparently that the framers of the Constitution were all in favor of a protective tariff, and that the second bill signed by Washington declared in so many words in favor of a protective tariff policy. That circumstance, however, did not seem to weigh much with the Democrats at Chicago. When they found the Republicans adhering to the principles of the fathers of the republic, they promptly took their normal position of opposition to the Republicans, and also of the opposition to the founders of the republic.

Republican statesmanship has built up the best system of currency this country has ever known. The dollar of one section is as good as the dollar of any other section. All the movements of trade and travel throughout this vast country run as smoothly as do the business and travel of the British Empire, based upon the Bank of England notes. The limits of this paper forbid the discussion of the evils of issues of State currency. Every man in the land who handled money before 1861 had experience of the losses and annoyances of that kind of currency. It is difficult to account for the passage of the resolution in the Democratic platform at Chicago in favor of repealing the tax on currency issued by State banks, except upon the theory that here they found a monument to the wisdom of Republican statesmanship, and that, to be consistent with



their record, they must put the party in opposition to it. In fact, opposition to, and denunciation of, Republican measures has been the lode star of the party, regardless of the merits of a measure. Yet, in the presence of all the din and noise of denunciation, Republican statesmen have gone on maintaining Republican principles and developing Republican policy. The country has grown and prospered; its resources have been developed with a rapidity that has astonished the world. We have maintained our institutions at home and commanded the respect of foreign nations.

Conspicuous among the statesmen who have carried forward this great work is Benjamin Harrison, our candidate for President. Whether on the battlefield or the forum, in the Senate of the United States or as President of this great nation, he has always acquitted himself as one of the best types of an American Christian statesman. While we recognize that the principles of a party touch more vitally the happiness and prosperity of a people than does the individuality of any man, we also recognize that principles and sound governmental policy are only maintained and carried forward by men of the stalwart type of our President.

We, therefore, recommend the adoption of the following resolutions:

*Resolved*, That the Union League Club approves of the principles of the Republican party as enunciated in the platform adopted at the last National Convention; that it reaffirms its adherence to the principle that the support of the general government should be derived, as far as practicable, from impost duties; that in levying such duties they should be levied so as to promote American

industries and preserve the principles of a protective tariff, which was inaugurated by Washington and others who framed the Constitution of the United States.

*Resolved*, That we ratify and approve the nomination of Benjamin Harrison for reelection as President of these United States. His administration has been firm and conservative. He has maintained the principles of the Republican party, and the country has enjoyed unusual prosperity. He has maintained with a firm hand the rights and good name of the nation in all our foreign relations. He has won the confidence of all thoughtful and conservative people. The best interests and prosperity of the people will be promoted by his reelection.

*Resolved*, That the nomination of Whitelaw Reid, one of the distinguished members of this club, for Vice-President is ratified and approved. He has long been known to us as a gentleman who has conspicuous ability to discharge any duty that may devolve upon him. He is a Republican of the best type, in full sympathy with the policy and principles of the party.

New York, September 27, 1892.

## POLICE LEGISLATION

The Committee on Political Reform submit the following report and resolutions, and recommend their adoption :

At a meeting of this club held on the 8th day of February, 1894, the following resolution was adopted :

*“ Resolved, That the Committee on Political Reform be requested to report at the next meeting what action, if any, should be taken by this club touching the bills now before the legislature relating to reform, reorganization, or changes in the Police Department of the city of New York, and especially report if, in their judgment, it is desirable that this department should have but one head, that it should be divorced from politics, and that the duty of appointing inspectors of election should be transferred to a separate bureau.”*

Your committee have procured copies of all bills pending in Albany up to a recent date, and have given them as careful examination as the limit of time would allow. They find pending there one Senate and four Assembly bills treating upon the subject of Police Commissioners of the city of New York.

The first one in date was Senate Bill No. 35, introduced January 9, 1894, by Mr. Lexow. The next in order was Assembly Bill No. 42, introduced January 10, 1894, by Mr. Thornton. This was followed on January 18th by Assembly Bill No. 190, introduced by Mr. Lawson, and

on February 7th Assembly Bill No. 564 was introduced by Mr. Wray.

These bills are so nearly alike that they may be considered together. The main purpose is the same in all of them, since they all propose to abolish the office of police commissioner of the city of New York, and provide that hereafter the head of the Police Department shall be called the Board of Police. This is a mere change of name, without any change as to functions to be performed. Each bill also provides that not more than two of the Board of Police shall at any time belong to the same political party, or have the same political faith or opinions on State and national issues. The bills are not all in accord as to the time when these changes shall take place, nor as to the method of filling vacancies.

The bills of Mr. Lawson and Mr. Wray provide that four commissioners shall be voted for by the electors at a general election, and offer a scheme of election by which both parties shall be evenly represented in the board; but, in addition, the Wray Bill provides that the superintendent of police shall be *ex-officio* a member of the board, which would raise its membership to five.

The laws of the organization of the Police Board were formulated in what is known as the Consolidation Act, which brought together and consolidated all the laws affecting the city of New York in chapter 410 of the Laws of 1882. The Police Department is treated of in chapter 8 of said act. This chapter was very materially amended in 1884 by chapter 180, page 200, of the laws of that year. Since that date there have been no police bills passed affecting materially the question that we are considering. The law of 1882, as amended by the law of 1884, provided for four police commissioners to be appointed by

the mayor. No attempt was made in the law to give the board a non-partisan character; and yet, in obedience to public sentiment, that practice was observed by all of the mayors having appointments to make until a recent date, when the board was made to consist of three Democrats and only one Republican.

On the face of it, if there were an honest administration of the law by the appointing power, it is eminently fair and just that each party should be equally represented. Experience, however, has established that so long as the appointing power is with the mayor no good results in the administration of the city government can flow from such a party division of the board.

It is believed, and it is undoubtedly true, that this division has laid the foundation for the deals and arrangements between party leaders which have been such a bane to the government of this city. Until the electors of this city appreciate that the public interests require the election of a mayor who is imbued with the sentiment that a good government for the city is the aim and purpose of his office, rather than the promotion of his party, no benefit is likely to be derived from a so-called non-partisan board. We are of the opinion, therefore, that there should be no change in the present law so long as the power of appointment remains with the mayor. It is better to leave the entire responsibility with him than to enact into the law that one-half of the board shall be Republicans, when the Republicans to be selected are to be designated by a Tammany mayor.

The efficiency of the Police Department would undoubtedly be promoted by a single head rather than by a board of four, if the single head were non-partisan and devoted to the interest of the city. The administration

of the Police Department should be, in fact and in spirit, emancipated and divorced from political parties. In a true conception of the formation of the Police Board, the commissioners should be regarded as non-partisan and judicial rather than political; and it should be held to be the plain duty of every police officer, in the exercise of his authority, to avoid all bias and discrimination on account of political opinions or affiliations. In the light of past experience, police legislation should be directed to the enfranchisement of the department from all political influence and activity, and the impartial and judicial discharge of its duties.

On February 1, 1894, a bill (No. 456) was introduced in the legislature by Mr. Sheffield. This bill proposes to increase materially the power of the superintendent, emancipating him still further from the partisan influence of the present commissioners. Such an act would undoubtedly promote the efficiency of the Police Department. It is in the direction of concentrating the executive functions of the department, and to that extent is entitled to commendation.

On January 18th a bill (No. 218) was introduced in the Assembly by Mr. Thornton. It is a general bill, applicable to all cities, counties, and towns, and seeks to compel a non-partisan administration of the various municipal governments of the State. As New York is not excepted, its provisions would seem to apply to this city. The bill as proposed is well intended, but vicious in principle, and should not be passed.

In this connection we recommend legislation to remove from the Police Department the Bureau of Elections, and that some proper and safe commission be created to take charge of the bureau.

It cannot be too often impressed upon the people that reform by act of the legislature will always fail until the people, through their intelligence and regard for good government, rise to the demands of the occasion and elect a mayor who will be devoted to the interests of the city rather than to his party.

If the laws now on the statute books were administered according to their spirit and intent, New York would have very nearly an ideal government. The fault is not so much with the laws as with the manner of executing them. It is the agents elected by the people to execute the laws who bring discredit upon the city government. The ingenuity of designing men is capable of perverting to the worst uses any law, however carefully drawn; yet we may do something by legislation to protect the rights of the people and make it more difficult for dishonest and partisan officers to work out a bad result from a good law.

So far as the bills that we have been considering contemplate the scheme of electing the Police Board, we question their utility. Too many officers are already elected on the general ticket. There should be more power conferred upon the mayor, rather than less, and he should be held responsible for his appointees.

In our judgment the efficiency of the Police Commissioners would be weakened by subjecting them periodically to a partisan contest. It would be well to pass a law forbidding any officer or official of the Police Department to collect or pay, directly or indirectly, any political assessment or money for any political purpose whatever.

The Civil Service Law should be amended and strengthened, and all persons seeking to enter the police service should be freely allowed to offer themselves for examination, irrespective of political opinions or official favor. So

long as men secure appointments on the police force by what is popularly known as "a pull," or through the influence of politicians, the character and efficiency of the police will be lowered.

The committee, therefore, recommend the adoption of the following resolutions:

*Resolved*, That this club is opposed at this time to all mandatory legislation requiring the Police Commissioners to be constituted of persons of different political faith.

*Resolved*, That the efficiency of the Police Department would be greatly promoted by a single head, if there were adequate means of securing the appointment of a man who would administer the affairs of the department regardless of political affiliations; but in view of the improbability, amounting almost to a certainty, that such an appointment could not be secured, we do not recommend a single-headed commission.

*Resolved*, That we are in favor of the passage of the Assembly Bill No. 456, introduced on February 1, 1894, by Mr. Sheffield, increasing the power of the superintendent of the police, as tending to increase the efficiency of the executive branch of the Police Department.

*Resolved*, That we favor the passage of a judiciously prepared law which should remove from the control of the Police Department the Bureau of Elections, and create a separate, non-partisan bureau.

Your committee also recommend the adoption of the following resolutions:

*Resolved*, That a law should be enacted transferring the auditing of all accounts of the Police Department to the Department of Finance of the city of New York.



*Resolved,* That legislation directed toward the enfranchisement of the Police Department from all political activity and influences should be sought; and that the rules of the civil service, so far as applicable to that department, should be strictly and impartially enforced.

New York, February 17, 1894.

## MUNICIPAL LEGISLATION

Your committee, at the outset, congratulate the club and the country on the splendid results of the last general election. In the presence of business depression and gloomy forebodings the country entered upon the memorable contest with a most satisfactory result. The power of the people to rectify all the evils of our complicated system of government has been demonstrated. It only remains for the standard-bearers who have been selected to complete the work.

Great as has been the success in the election, it should be borne in mind that the greater work of securing the fruits of that election is still before us. It is the duty of this club, in every possible way, to sustain and give encouraging support to all those who are engaged in completing the reform so auspiciously begun. It is the work of the future to uproot and exterminate the wrongs of the past that now confronts us.

It is to this important matter that we desire to call the attention of the members of this club and the citizens generally. The task of reforming our municipal government is herculean, and requires the highest wisdom and best abilities of the citizens of the city.

A review of the evils that have existed will give point and force to the suggestions that we make in this report for future action.

Municipal government in all the large cities of this Union has generally been perverted for plunder. The

fathers of the republic founded a system of free government by the people and for the people. The ideal that they projected was as near perfect as anything yet developed in the history of civilization. Yet, strangely enough, the system has often been a dismal failure in municipal affairs. Many attempts have heretofore been made to rectify the evil and to lead the people out of the clutches of the plunderers who have seized and held municipal governments for their private gain. Many men have been led to give up in despair and say that the American system, as applied to cities, is a failure. They have often declared that the evil is of such a nature that it cannot be eradicated. In all other respects the American system has worked reasonably well, and with as little fraud and as little friction as pertain to any system, taking human nature as it is.

The questions presented are: "Is the foul blot of municipal fraud and municipal bad government so deeply seated that it must remain forever? Is it beyond the reach of intelligence, virtue, and integrity?" If so, this cancerous growth upon the body politic will ultimately and surely undermine our whole system of government. We are not among those who believe the evil, gigantic as it is, beyond cure.

The scope and purpose of this report are to deal with the evil in the city of New York. In the presence of all that has so far been developed by the investigation of the Lexow Committee, the great work remains still to be performed. The methods and errors of the past should be studied as beacon lights to save us from disaster in the future.

The chief head and front of the offender in this municipality has been a benevolent organization known as the

Tammany Society. The organization, in its inception, was never intended for the purpose to which it has been debased. It has assumed to itself the functions of guiding and organizing the political movements of the Democratic party in this city. Justly considered, in its action it has performed none of the proper functions of a political party. Its methods have not been democratic, but autocratic. Its results have been plunder, fraud, and the debasement of the American system of government. It has been simply and only, so far as its managers are concerned, a business corporation or combination of individuals for private gain and public plunder. It has seized upon all the offices of the city, and has controlled, through legal machinery, the magnificent annual resources of the city, amounting to over \$34,000,000. It has derived an enormous revenue from its system of assessments upon officers and employees of the city, from the highest to the lowest. It is hard to account for the suddenly acquired wealth of many of the managers of that organization upon any other theory than that there has been in vogue a relentless system of plundering the city, the citizens, and the employees of the government.

To administer the trust of disposing of revenue amounting to \$34,000,000 requires the agency of the highest order of talent and integrity. The charge is not that all of this money is misappropriated. The gravamen of the charge is that some of it is misappropriated. It is in vain for Tammany magnates to point out any good work they do. Tweed and his fellow-conspirators could justly do the same thing. The demands of good government are that all, not a part, of the public money shall be properly appropriated, with the same integrity with which well-conducted private enterprises are carried on.

The Tammany Society has aided and abetted the most gigantic frauds upon the ballot-box, and has found in these frauds its buttress and bulwark. Wherever vice is reeking and ignorance prevails, there it has found the chief support of its organization. In proportion as vice, crime, and ignorance prevail in the most degraded portion of our city, in the same proportion has the strength of Tammany increased.

The people have determined to throw off this disgraceful burden. No man of intelligence who has given the subject the slightest thought has ever doubted that the vast majority of the electors of this city are honest and desire a clean, able, and honest government, and that they have the power, whenever they choose to exercise it, to procure this result. One of the chief causes why the city has been so long enthralled is because party managers on both sides have insisted that in municipal affairs the party organization should remain intact. One of the favorite arguments that has been used and repeated time and again in both parties has been that it is necessary for the good of the party to keep the same party organization in city matters; that to abandon the national and State party organizations in city matters for the sake of the city and support a reform city ticket would demoralize the respective parties on national and State issues. We think this is entirely fallacious and will not bear examination. Neither the Republican nor the Democratic party by itself, as a national or a State party, exists or can live one minute for the benefit of the city of New York. National questions and State questions are in no way related to or dependent upon the character and integrity of the city government. Men may justly differ in their views upon the tariff, upon currency, upon banking, upon silver, upon

interstate commerce, upon foreign relations, and upon a multitude of questions that pertain to the national parties, and yet may unite for the purpose of a good city government. It is not easy to see what connection there is between the tariff, the affairs of the navy, and other kindred subjects, and the building of docks, opening and paving of streets, extending the waterworks of the city, putting out its fires, or policing the city, and other matters pertaining to the government of the corporation. We see no reason why men should surrender their personal views on national and State issues because they coöperate for a pure city government. In many respects the city of New York is like a business corporation created for the benefit of the citizens, and, like such corporations, should be governed on business principles, although it is on a larger scale. This analogy is not entirely true, but very nearly so.

It is well known that all business organizations are controlled and managed by men of different political views. In selecting these men the question is never asked as to their views on national questions, but they are selected for their fitness to discharge the duties to be performed. In the respective corporations men coöperate and co-work with the perfect understanding that they have diverse political views and that they surrender none of them by such coöperation. The employees of these institutions are never selected because of their connection with one party or the other, or by reason of their efficiency as party managers or "heelers." The sole and only question is and should be, "Are they competent and qualified to perform and discharge the duties of the position in the corporation that employs them?" The corporation of the city of New York, as a business corporation, should be run and man-

aged upon the same principles on which other well-managed corporations are conducted.

The great experiment of attempting to manage this city on a non-partisan basis is about to be entered upon. In view of the failure of all past methods, the people have decreed by their vote that this new experiment shall be tried. The standard-bearers have been selected with the distinct pledge that the experiment shall be attempted in good faith. It is distinctly understood that no man by coöperating in this new method of administering the affairs of the city surrenders or abates in any way or manner his affiliations with the political party of his choice; that upon national and State issues every citizen may take his position in and align himself with the party of his choice, and his reason for doing so or his activity in that party are not to be subjects of question within the domain of the reform party for city government. It is believed by all good citizens that such an administration of the affairs of the cities will remove the foul blot of corrupt municipal government from American institutions, and will demonstrate the wisdom of our fathers in establishing the basis of our government as they did. It will no longer be said that in all other respects the system was rightly conceived and properly adopted, but that it is not adapted to municipal government. The occupation of men who follow politics for a business in municipalities will be gone. Both parties, as national and State parties, will remain in the field, contending for the principles they espouse, and will succeed or fail as they shall succeed or fail in impressing their respective views upon the voters. Any attempt to build up a party machine for the benefit of either party out of the great reform movement which has been so auspiciously inaugurated in the city of

New York will surely recoil upon the heads of those who undertake it.

The attempt to have a municipal government upon a non-partisan basis has been demanded by the people. The pledge of the standard-bearers chosen was given to the people that they should have such a government. The experiment ought, in good faith and with persistent effort, to be made. Party managers, as such, whose purpose is to gain advantage for a party rather than to secure a good administration, must be made to stand back and keep their hands off this government. No party can successfully flourish and for a long time be successful which is not based upon integrity of administration as its chief cornerstone. It may secure temporary success, but its overthrow is sure to follow. The best possible basis for the success of a party in a great municipality is to show ability to govern the city with a clean, honest purpose. A success so won will be abiding and invigorating.

At the outset the administration of Mayor Strong is handicapped by the presence in the municipal government of a body of office-holders who have been placed in their respective positions by the abhorrent influence so familiar to the people. The election of last November in this city better never have been won unless it be followed by legislation such as will pave the way to the inauguration of genuine reform. The legislature should pass, at the earliest practicable day, a bill giving the mayor of this city the power of removal and appointment to all offices fairly within the scope of his duties. Any failure to pass such a bill, or any tampering with this measure by any one in the supposed interests of persons or parties, will receive the severe condemnation of the citizens. The public are in no mood to be trifled with in this matter.



They are determined that the incoming administration shall have an opportunity to redeem its pledges; that no excuses shall be made or accepted for a failure to do so. Mayor Strong is powerless to accomplish much in the way of reform without legislative aid; and that aid should come speedily, without conditions or limitations that can by any possibility embarrass the execution of the purpose declared by the people to have a reform administration.

As a club we have unbounded faith in the integrity of purpose of Mayor Strong to fulfil all his pledges and give the city a genuine non-partisan business administration. Republicans as we are, devoted to the principles of that party, believing that the prosperity of the country depends upon the success of our principles, we see clearly that this city's true interests will be promoted if a good government shall result from this great reform movement. Any other seeming success would be no success, but a dismal failure.

No man in this city was ever confronted with a greater task than that which confronts the mayor. With all confidence in his integrity of purpose and his ability to execute the great commission which has been laid upon him, we should never forget our duty as citizens of rendering him at all times our moral support and counsel on the lines laid down for him and accepted by him during the last election.

It does not require the inspiration of a prophet to predict a great triumph for the mayor if he shall adhere at all times to the pledge he has given, and the intelligent citizens of this city should not falter in their steady support of him in his great work.

The fangs of Tammany's misrule have fastened too deeply upon the body politic to be withdrawn without

drastic measures. There is great reason to fear that the sappers and miners in politics are already at work destroying the foundation of the structure of municipal reform that the people have decreed shall be built.

There are many proposed measures of reform of pressing necessity that we do not discuss, among them the reorganization of the Police Department. The consideration of that question should be kept in abeyance until the report of the Lexow Committee shall be made. At the present moment the bill giving the mayor power to remove from office and appoint to the same should receive the immediate and early attention of the legislature, as a measure essential to the further progress of the work of reform that is before the people of this city.

We, therefore, recommend the adoption of the following resolutions:

*Resolved*, That the legislature of the State of New York be respectfully and earnestly requested to give its early attention to the passage of a bill providing for the mayor's power of removal of present incumbents in office. Such a bill is demanded by the best sentiment of the city, and its passage should not be, and cannot rightfully be, hampered or embarrassed by any considerations of party expediency. The needs of the city in this matter are paramount to all other considerations.

*Resolved*, That we heartily approve the recommendation in Governor Morton's message that prompt action be taken by the legislature upon this important measure.

New York, January 3, 1895.

**NOTE.**—A portion of this report is taken from a former report not adopted by the committee.

## A PROPOSED BILL ON COMPULSORY EDUCATION

This bill purports to be in favor of compulsory education and in support of the common schools.

Nothing is more important or desirable to the preservation of our institutions than the universal dissemination of knowledge; and, as a means to that end, the most vigorous support of the public schools is needed, consistent with individual liberty. It is believed that every member of this club is a staunch supporter of the common-school system, in common with the great body of the citizens, and would do nothing to weaken its hold upon public affection or impair in any way its usefulness.

The proposed bill is so extraordinary in its provisions as to require a careful and critical examination. It incorporates within it certain principles and methods of action that are entirely inconsistent with individual liberty and the sacred rights of the family. The bill seems to be, in some measure, a substitute for the act passed in 1874, but with additional powers and limitations that make it a dangerous and vicious bill.

The first section provides that every parent and guardian shall cause all children between the ages of seven and eleven to attend some public school in the city or school district in which such child shall reside, or some school other than a public school, and in which at least certain common-school branches are taught.

The second section provides that for every neglect of

the duty thus imposed in the first section the guilty person commits a misdemeanor and is subject to fine and imprisonment therefor.

The third section does provide that a child may be taught at home, but such teaching must be by a "teacher duly qualified under the laws of this State, or approved by a school commissioner or by a superintendent of schools, by whatever name known, in a city of the State."

Section 15 authorizes the employment of town constables to aid in executing the provisions of the act and provides for payment of their fees.

The seventeenth section provides that the school authorities may appoint special officers to discharge the duties provided in certain sections of this act, and may fix fees or salary for the payment of the same.

There are various other sections of the bill that would be open to criticism, but the limits of this paper render their consideration impossible.

The bill invades the privacy of the domestic circle and supersedes the authority of the parent in the education of children of tender age, and substitutes therefor persons authorized by act of the legislature to discharge these delicate and important duties.

Although section 3 tolerates education in the family circle, it does not leave that to the choice and discretion of the parent, but provides that that teaching shall be under the supervision and control of a "school commissioner or a superintendent of schools, by whatever name known, in a city of this State." The same section also graciously provides that, in case a child is taught at home, the instruction in the branches specified in the bill shall be at least equivalent to that given in the public schools.

There is also a provision that, in case of the physical or

mental condition of a child being such as to render its attendance at school inexpedient or impracticable, a physician's certificate may remit the penalty.

The general effect of the bill is to bring all matters of education—whether in the family circle or in public or private schools—under the supervision of school superintendents or school commissioners. The neglect of the duty of educating children according to these public officials is made a misdemeanor. This bill proceeds upon the theory that the artificial and intangible body known as “the government” is a better guardian of children than those to whom they owe their existence, and that the most ignorant and incompetent public-school teacher in the State is qualified to train any young child, while the most refined, intelligent, virtuous, and loving mother of that child, if for any reason she fail to obtain the consent of the school authorities, is not competent for that purpose. It calls for interference between parent and child at precisely that tender age when the character of the latter is unformed, and when it is in the most need of parental guidance and teaching. An attempt to enforce the provisions of this bill will be likely to lead to violence and breaches of the peace.

However desirable general education may be, it never can be desirable to invade the rights of parents and the sanctity of the family in the manner proposed by this act, under the guise of public instruction.

The bill specifies certain fundamental subjects of education as essential to fit a child as a member of the State. True education consists in the harmonious and symmetrical development of mind and character, and both should proceed together, as far as practicable. In most cases no one is as likely to know the character of children so well as

parents, and only in exceptional cases should be taken from them the absolute right to determine the education and the kind of education they shall receive. The object of the public-school system is to aid parents in the education of their children, and not to override the parental control or usurp its place. The bill reduces parents to the humiliating position of being obliged to obtain the consent of the school authorities before they can teach their own children or select a teacher for them at home, and to the risk of fine and imprisonment if they act without such consent. Such legislation as this tends to destroy individuality, and substitutes therefor State control in matters that should always belong to the individual. It is a long step in the direction of Socialism, where all property and all individuals are placed under the dictation of the government.

Dr. Kittridge, of this city, recently said: "The home is the grandest university in the world, and to its wise and religious education we owe, more than to any educating influence, the scholars and patriots and benefactors of our race." This we believe to be a true statement of the value of the home and of home influence; and whatever evils may exist touching the education of certain classes of our citizens, those evils cannot by any possibility justify the subversion of the homes and home control of children, which serve to lay the foundation for all that is best and holiest in our lives and our country.

The tendency of this bill, if enforced, will be to weaken parental authority over the children, and divide responsibility between the parents and the State authorities for their education. It is in the line of the most vicious class of legislation with which we are afflicted—that of State interference and control in matters with which the State of right ought not to interfere. However paternal the

government may be, in this field it should keep its hands off. Whatever may be said in favor of enforced education of those whose education is entirely and grossly neglected, nothing can justify the public scrutiny and control of family education as contemplated by this act.

We, therefore, submit the following:

*Resolved*, That the Union League Club deems this bill, in the particulars mentioned in this report, a menacing invasion of the sacred rights of the family in the matter of the education of children, and we request the members of the legislature to so vote as to defeat the passage of the bill.

New York, January 28, 1890.

## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully report as follows :

At the commencement of the current year the country had just passed through the most important general election that had taken place since 1860. The principles of the Republican party during the canvass had been discussed in the press and on the platform, and the verdict of the people had been taken in favor of Republican principles in national affairs. In State affairs, in this State, it was a divided result, the Democracy having secured the executive and State offices, while the Republican party secured the legislature.

It is not too much to say that the public was weary of political discussions, and the committee deemed it advisable not to make many reports.

The club referred no questions to your committee for its consideration.

During the winter of 1889 there was pending in the legislature the important question of prison labor. On January 29th this committee made a carefully considered report on that subject, which was adopted by the club. Some of the members of the committee took an active part in promoting the passage of the Prison Labor Bill of last winter. Late in the spring of 1889 the chairman of the committee, Hon. Whitelaw Reid, resigned his chairmanship, he having been appointed to the honorable position



of minister to the republic of France. The committee take this occasion to record their high appreciation of his ability and uniform courtesy. His learning and varied experience made him a sagacious and safe counsellor.

In October the committee elected a chairman to fill the vacancy.

In December a report was made in favor of high license which was adopted by the club.

Herewith is submitted a report on ballot reform. This reform is believed to be one of the most pressing and important of the day, and no occasion should be omitted to help it forward.

The committee are impressed with the idea that all great movements and reforms are carried forward by the repeated and persistent support of the friends of the measures. It has required constant effort for centuries to bring the world to its present state of morals and civilization. This club is committed by its history and its articles of association to reform measures. Its influence will be of little value if it fails to discuss these reforms fearlessly and persistently. All questions that greatly move the people and that finally result in practical good need to be presented from time to time in the various lights in which such questions can be viewed. The committee have acted upon what they understood to be the desire of the club, and presented as briefly and sharply as it could only important public questions.

Various subjects have been brought before the committee, and are now under consideration, but no reports have yet been agreed upon.

New York, January, 9, 1890.

## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully submits the following report:

Various subjects have been considered by your committee within the past year, although but three reports have been brought before the club during that time. The committee have been mindful of the desire of the club not to be asked to express its opinion except upon matters of general importance. It has recognized the repeated declarations of the club that it is a Republican club, and that all its actions taken upon public questions shall be in harmony with the doctrines and policy of that political party. The principles of that party having been adopted by the country at the last presidential election, it was not deemed wise or necessary during the past year to restate them before the club. The last congressional elections having shown an apparent reversal of the former decision by the country, there will probably be a renewal of the discussion of these principles, in which discussion this club will no doubt take a prominent part.

It is not the province of this committee, in its annual report, to discuss the causes and influences that led to our defeat, but this committee deems this a fitting occasion to declare its firm faith in the doctrines of the party, and its belief that the country will again declare itself in its favor, when the misrepresentations and the false presenta-

tions of its policy and the effects of its policy are exposed and understood.

At the January meeting this committee made a report in favor of the Saxton Ballot-Reform Bill, which report was unanimously adopted by the club. The act, as finally passed by the legislature of New York, was not all that was desired by those who were foremost in this important reform. Yet it is believed that great and desirable advance has been made in this matter.

At the February meeting the committee made a report upon a bill then pending before the legislature, entitled, "An Act to Secure to Children the Benefits of an Elementary Education, and Making an Appropriation Therefor." It was with great reluctance that the committee reported against some of the provisions of this bill, fearing that it might be construed as opposition to the common-school system that is so important to the country. The bill was deemed to be so fundamentally wrong, in providing a scheme that invaded the sacred rights of the home and family, that the committee felt constrained to report against it. The report was adopted by the club, and a copy of the same sent to each member of the legislature. It is believed that the report had considerable influence in defeating the objectionable legislation.

At the March meeting the committee reported in favor of a more liberal appropriation by Congress for the work of the Civil Service Commission. This club has always been a stanch supporter of the doctrine of civil-service reform. It has at times criticized the pretenses of those who use the name of civil-service reform for mere partisan advantage, but has always cast whatever influence it may possess on the side of fitness and integrity as essential qualities for official positions. It is believed that this re-

form has been heretofore greatly aided by this club, and that hereafter, on all proper occasions, it will be found in the front ranks of its supporters and defenders.

Among the events of the year the committee reports, with unfeigned sorrow, the death of one of its members, Mr. Franklin A. Paddock. He has been a member of the committee five years. For a portion of that time he was in poor health and unable to attend the meetings of the committee. When able to do so, he was constant in his attendance, and was an able and conscientious member. In the close intimacy of the committee room we all learned to respect and admire him. A memorial of Mr. Paddock was prepared by one of his associates and entered in the minutes, a copy of which memorial has been sent to each member of the club.

New York, January 8, 1891.

## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully submit the following report:

The committee have held the usual regular monthly sessions, but have submitted only two reports for the action of the club. Many important questions have been considered and are now pending before it.

The deplorable event at New Orleans startled the civilized world, and it seems fitting that this club should contribute its influence on the side of that almost universal condemnation of that event, which found expression in all civilized communities. The report of this committee on that subject was adopted on the 9th day of April last. It may gratify the members of the club to know that it was quoted and commented upon extensively in this country and in Europe. The comments, except in the Southern States, were generally commendatory, showing that the views therein expressed were those approved by the more thoughtful writers of the times. In that report it was pointed out that the root of that difficulty was to be found in our lax laws touching ignorant and criminal immigration.

On the 14th day of May a further report was submitted, pointing out the peril to our institutions from the almost criminal neglect of the judiciary in not enforcing the present laws when naturalizing immigrants, many of whom are totally unfit to be clothed with the elective franchise.

In this report it was recommended that a petition be extensively circulated throughout the United States, asking Congress to change the naturalization laws so as to throw greater safeguards around the elective franchise. This report was adopted unanimously by the club. As the circulation of this petition would require the expenditure of a considerable sum of money, the club referred the question of circulating the petition to the Executive Committee. The matter thus passed out of the hands of this committee, and the committee are not advised what action, if any, was taken by the Executive Committee. It is proper to state that recent events in this city, just prior to our late election, have added force to the recommendations in the report, and are illustrative of the evils and inefficiency of our present laws as now administered by some of the judges. Your committee find no occasion to abate in any manner their criticisms upon the conduct of the judiciary. This subject cannot be too often or too earnestly pressed upon the attention of the people. This committee has not deemed it wise, up to this time, to make a further report on these all-important questions of immigration and naturalization, in view of the fact that the general government had appointed a commission to visit Europe and report on the subject of immigration. It is hoped that, when their report is made, new and material facts will be brought to light.

This club was organized to exert influence upon the government and build up and sustain a sound public sentiment in favor of the maintenance of the same. In its inception its inspiration was patriotism and an earnest desire to save the government in its peril. On this question its record is one of which every member is proud. In its action it worked earnestly in harmony with a Repub-

lican administration. When the war ended, the club continued its earnest work supporting Republican measures, and has continued to give such measures its hearty support up to this time. Its national reputation has been built upon its political action, until now eminent representative Republicans from almost every Northern State are in our membership. So far as this club has a wide reputation at this time, it is based chiefly on its political character. It is idle to refer to its war record and what it accomplished as the only end and purpose of its existence. Its life and history for more than a quarter of a century since the war closed are a constant protest against any such narrow view. The club is, and always has been, a political club, with views upon all great political questions. The vitalizing force here always has been political action. That the founders of the club contemplated its continued activity in the political field is shown by its adoption, immediately after the close of the war, in 1866, of the 4th article of association, in these words: "It shall be the duty of the club to resist and expose corruption and promote reform in our national, State, and municipal affairs, and to elevate the idea of American citizenship." It would be difficult, with so few words, to choose other words that would open as wide a field of political action. The traditions of the club and the personnel of its membership point with unerring certainty to the lines within which political action should be taken by your committee. A political club must bring its influence to bear upon a political party, to accomplish practical results in any free country. This is, and doubtless will remain, a Republican club. Believing that this is a true statement of the views of a vast majority of its members, this committee have, without hesitation or doubt, when occasion has called for

it, sustained Republican measures and policy. While this club is distinctively Republican, it is not by any means limited to questions of party measures, but has always taken high and broad grounds upon all great and important matters.

This committee are again called upon to report the death of one of their members, Morris M. Budlong, late secretary of this committee, who fell dead on the morning of the 30th day of November, 1891, while in the discharge of his professional duties. He was a useful and conscientious member of the committee, and his loss will be greatly felt by all his associates.

New York, January 14, 1892.



## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully submits the following report:

The past year has been an eventful year in the political history of this country. Your committee has done what it could to place this club on record upon numerous public questions, in accord with its well-known principles and traditions. The club has long stood in this city and before the country as an exponent of the essential doctrines and policy of the Republican party. Your committee has, to the best of its ability, expounded and sustained those doctrines and that policy.

At the general election in 1891 the electors of this State elected a Republican Senate. Soon after the election, rumors began to emanate from the executive chamber at Albany that the Democrats would secure a majority of the Senate. So well founded was the belief that, in this State at least, the results of the ballot-box would be accepted as final, and not be questioned or defeated by any party, that no great uneasiness was felt by any honest citizen. The claim of Democratic success was looked upon as only the usual claim of the defeated party for political effect. It was not easy to believe that the chief executive of this great State, David B. Hill, had actually formed, and intended to carry out, a scheme of fraud of unparalleled audacity and wickedness. The sense of security in the foundation of our government was rudely shaken as the great conspiracy gradually developed and the figure of the governor of the State came into view as the great con-

spirator in a fraud that ought to have consigned the governor and all those engaged in it to everlasting political infamy. Your committee deemed the matter of so grave import that this club should record its earnest protest against the fraud. Accordingly, your committee submitted, at the March meeting, a report of the leading facts of the case, which report was unanimously adopted, making a record here of the views of this body on the great conspiracy against the ballot-box. As a corollary of this fraud the Democrats in Albany introduced a bill, which they finally passed, destroying the non-partisan character of the Boards of Inspectors of Election in this city. At the April meeting your committee presented a statement of the dangerous character of this proposed legislation, with a resolution protesting against the passage of this bill. This report and resolution were unanimously adopted by the club. Thus the record of this club is complete against these two great crimes against the purity of the ballot-box. It is a fact to cause serious reflections, that the state of public sentiment as to the dangerous tendencies of such political crimes is so low that, instead of the just contempt of an indignant people jealous of their rights following the chief conspirators into that obscurity, they so richly deserve, new honors are heaped upon them. The future student of the politics of these times will be puzzled to find out by what logic or under what strange influences the purists and reformers, with high-sounding professions of a desire for the highest ideals of government, could constantly ally themselves with a party with such a record.

At the October meeting your committee presented a report on the great and leading question of protection, which report was adopted by the club. The record and history

of this club have been one of unfaltering support of this important and beneficial national policy. No believer in this policy can have his belief in the same shaken by the temporary defeat which we have sustained. The history of the country shows that prosperity has always attended it when its fiscal policy has been framed on the lines of protection, and depression and distress have followed when its fiscal policy has been framed on the lines of low tariff or free trade. Thirty years of unparalleled prosperity is the record made by the Republican policy. During that time a new generation has grown up who has seen fit to be guided by theorists rather than to follow the sure lamp of experience. Those now living who have had experience of Democratic administration of governmental financial policy are comparatively few. If the Democratic party applies to our fiscal policy the principles it professes, this new generation will soon have the experience that will enable it also to appreciate the wide difference between Democratic and Republican doctrine on the tariff. Assuming that the Democrats in good faith apply the principles that they taught, we may confidently look forward to a renewal of the great discussion, when we will have not only our history, but the then present experience, to illustrate and enforce the wisdom of protection to American industries as the true American policy.

During the past year two deaths have occurred in your committee. On the 9th day of February John J. Knox departed this life. For many years he had been a member of this committee. His well-stored mind, especially upon all financial matters, made him a most valuable and useful member. He was regular in his attendance upon the meetings of the committee, and contributed his full share of valuable information in all its counsels. No mem-

ber of the club was better known by the club at large than was he. No words of eulogy by us can add anything to his name and fame, which were national. We can only record our high appreciation of him as a man and associate. His loss is deeply felt by your committee, and it feels that his place cannot be filled.

On the 26th of April Col. Richard B. Irwin, another member of this body, died. Mr. Irwin had not as long service on the committee as Mr. Knox, but during that short service he had won the respect and admiration of all the members of the committee. Mr. Irwin was not as widely known in the club as was Mr. Knox. He was a retiring, modest man, and only those who became well acquainted with him could appreciate him. In early life, during the Rebellion, he entered one of our Western armies. He was frequently promoted for his gallantry, and won the commendations of his superior officers. After the war he spent some time travelling in Europe and observing the institutions of the Old World. For many years before his death he devoted himself to literary pursuits, and was employed upon the staff of one of the great New York dailies. He was there, as is common with so many other bright writers, hidden from public view behind the impersonality of the corporation which published his newspaper work. He was a man whose mind was well stored with useful knowledge, and his conversations were instructive and delightfully entertaining. To know him well was to appreciate him highly. By his death this committee lost one of its brightest and most useful members, and it takes this occasion to record, though imperfectly, its estimate of his character.

New York, January 12, 1893.

## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully submits the following report:

Shortly prior to our last annual meeting the Republican party had suffered the most disastrous defeat that had occurred to it since 1860. Admitting the defeat, your committee, in its annual report, indulged in the prediction that "if the Democratic party applies the principles it professes to our fiscal policy, this new generation will soon have the experience that will enable it to appreciate the difference between Democratic and Republican doctrine on the tariff." We also suggested that, while defeated, the discussion of the great principles was not ended, and that it would again be resumed, aided by what would be "the then present experience to illustrate and enforce the wisdom of protection to American industries as the true American policy."

These suggestions were made before the inauguration of the present administration. Already the evil effects of the installation of a Democratic administration have been made apparent to everybody. The prostration of business, the loss of property, and the appalling distress of the laboring men are something unknown in our history, except at the end of the two great eras of Democratic government which preceded the financial disasters of 1837 and 1857.

We do not refer to these matters at this time for the

purpose of entering into a lengthy discussion of the condition of the country, or of the remedies that ought to be applied; but we do refer to them as evidence of the wisdom and soundness of the principles of the Republican party that have been so stoutly and persistently maintained by this club. Deplorable as the condition of the country is, we feel satisfaction in saying, as a club, that we are not responsible for the disasters.

If the teachings of this club had been followed, we confidently believe that the country to-day would be in a prosperous condition. We feel justified in declaring anew our fealty and loyalty to the principles and policy of the Republican party, and our purpose on all fitting occasions in the future to maintain these principles and that policy with the same vigor and the same earnestness that we have maintained them in the past.

Your committee was impressed with the changed position of things at the beginning of the year, when it found itself out of harmony with the general government. Heretofore the attitude of the club has been generally one of defending and maintaining the principles of the government at Washington. For the first time in many years its position is changed to one of criticism and attack upon such administration. The times and occasions for such criticism and attack only come as the policy of the administration develops.

At the April meeting your committee presented a report upon the action of the late Republican administration touching the Hawaiian Islands. The information then at hand was meagre as to the events that had occurred at Honolulu. We did deem it safe and proper, however, to sustain our own administration. In April this report was defeated at a small meeting of the club, where there

were less than eighty members present and voting. It is not for us to criticize its action, but it is not improper to state that the position taken by this body failed to convince the committee of the error of its report. It is proper to state that the action of the club in defeating that report has frequently, and up to a late date, been referred to by the advocates of the present administration and of its policy toward these islands as in some measure condemnatory of the last administration. Whether it is a fortunate circumstance, and one that is satisfactory to the club, we cannot state. The committee is satisfied that it did its duty in the premises.

At the October meeting your committee presented a report in some measure reviewing the history of the Democratic party and the then present condition of the country, and undertook to point out what we believe to be the great blunder of the country in voting for a change of administration. This report was unanimously adopted. Subsequently the State Committee accepted the report as a campaign document and circulated over 200,000 copies.

The successful elections that were held in November, 1893, are full of hope and promise for the future. They are encouraging, and sustain this club in maintaining its firm attitude in support of Republican principles. They should stimulate us to renewed activity in the future, with a feeling of assurance that the lost ground will all be regained, and that we shall then not only be able to defend our principles in theory, but our theories will be reënforced and buttressed by the experience of the country.

The subject of municipal affairs and the bad government of this city has been long under consideration and earnest discussion by the committee. During the spring and early summer of this year your committee did not

arrive at a conclusion so that it could formulate a report as to the action that should be taken by this club.

At the November meeting Mr. Charles Stewart Smith precipitated the action of your committee by introducing the following resolution:

*“Resolved, That the Committee on Political Reform be requested to report at the next meeting of the club whether or not, in the judgment of the committee, it is desirable for this club to lead any movement by which an attempt shall be made to unite all good men, without reference to political affiliations, in the one issue of good government for this city; and, if so, to formulate a plan therefor.”*

This resolution being adopted, your committee proceeded at once to earnest consideration of the subject, and held not only regular meetings, but special meetings for that purpose.

In view of the upheavals and changes going on in the respective parties, your committee deem it unfortunate that they were, at that particular time, called upon to report to the club for its action. This committee made a preliminary report to the December meeting of the club, in which report it recommended certain reforms in the laws affecting municipal affairs, which reforms were deemed vital prerequisites to any movement looking to non-partisan city government, and asked that the further consideration of the subject be left with the committee, with power to report at any regular meeting.

This leave to report at any regular meeting was changed so as to require a report at the next meeting. This being the next meeting, a report, in pursuance of that resolution, accompanies this report.



Your committee is thoroughly impressed with the desirability of reform in the affairs of the government of this city, but are unable to see their way clear at this time to enter upon as radical a movement as that indicated by the resolution of Mr. Smith.

Nothing is gained for good government by simply ousting Tammany from control and installing another government with equally bad tendencies. No one doubts that there are honest citizens of sufficient number to take possession of this city and govern it with integrity. Your committee are not yet satisfied that a sufficient number of such honest Democrats are so far emancipated from fealty to their party as to join with a like number of honest Republicans in forming a successful, truly non-partisan organization.

This club should at all times be eager to secure good government for this city, and hold itself in an attitude ready to coöperate with any such movement which holds out promise of a genuine reform in city affairs.

New York, January 11, 1894.

## REPORT OF THE COMMITTEE ON POLITICAL REFORM

The Committee on Political Reform respectfully submits the following report:

The year just closed has been one of unprecedented importance in the political history of the country. The result of the recent elections seems to demonstrate that the better sentiment of the country has again turned toward the Republican party as the party best qualified to safely administer its affairs.

This change of public sentiment is a source of great gratification to this club. It shows that the principles for which we have so long contended are meeting with the approval of the entire country. If the Republican party shall manifest the wisdom of administration that has characterized most of its career from its earliest days, we have good reason to believe that for a long period to come it will be entrusted with the administration of the government.

On many former occasions this club has arraigned David B. Hill, as the governor of the State, and all of his associates in the great conspiracy to defeat the will of the people at the ballot-box. It has not hesitated to denounce the acts and the actors when the latter were in the full flush of power and apparent victory. We have the satisfaction now of knowing that, through the courts and through the ballot-box, all of the State officers engaged in the great crime have received their punishment. It

is with peculiar satisfaction that we note the fact that David B. Hill, the great conspirator, was defeated by a plurality of over 150,000 votes. It would be an anomaly in our history if after such a punishment for moral obliquity in high office he should ever again be a successful leader in the politics of the State.

In municipal affairs the city has entered upon a wide departure from precedents heretofore established for its government. It has been decreed by the people that a non-partisan business administration shall be established. There is a great difference of opinion among honest men as to the practicability of so administering the affairs of this municipality. In view of the disastrous results of administering our affairs on a partisan basis, it is at least desirable that this new experiment should be honestly tried. If the result shall be satisfactory, there is no reasonable doubt that a solution has been found for much of the evil pertaining to city governments. This club should sustain with all its moral force the efforts of Mayor Strong to administer the city's affairs.

On the 8th day of February this club referred to your committee a resolution calling for a report upon the then pending police bills in the legislature. Your committee entered upon an examination of the various bills, and invited a number of the members of the club to meet with the committee and discuss them. Your committee reported that it was not desirable at that time to pass mandatory legislation requiring the Board of Police Commissioners to be constituted of persons of different political faith. While it recognized the efficiency of a single-headed commission, provided there were adequate means to secure the appointment of a man who would administer the affairs of the department regardless of political affilia-

tions, yet in view of the probability (then amounting almost to a certainty) that such an appointment could not be secured, it did not recommend a single-headed commission, but recommended legislation removing from the Police Department the Bureau of Elections, and transferring the accounts of the Police Department to the Department of Finance; and recommended that legislation should be sought directed in general toward the enfranchisement of the Police Department from all political activity and influence, and also that the rules of the civil service, so far as is applicable to that department, should be strictly and impartially enforced. About the time the report was made, Mayor Gilroy appointed a Republican police commissioner, thus making the apparent political complexion of the commission non-partisan. No bill was passed in Albany making such division mandatory. In view of the developments before the Lexow Committee, and the probability of a report and proposed legislation by that committee, no suggestion even would be proper from this committee at this time touching this all-important subject.

In April a committee from the citizens of Troy waited upon your committee and presented their views touching the then recent events at the Troy spring elections, resulting in the murder of Robert Ross. These gentlemen deemed it desirable that some expression of the opinion of this club should be made to encourage the people of Troy in their efforts to prosecute the murderer. Your committee made a report on that subject, which report was adopted by the club at its May meeting.

At the October meeting of this club your committee presented a report upon the issues involved in the canvass then pending for the elections to be held in November.

Such report advocated the election of Governor Morton and the city reform ticket headed by Mayor Strong. This report was unanimously adopted by the club at its October meeting.

At the November meeting of the club a resolution was passed as follows:

*“Resolved, That the Committee on Political Reform, on behalf of The Union League Club, be, and it hereby is, authorized and requested to take the initiative in recommending to the next Republican legislature such amendments to the present election and ballot laws as will remedy existing defects and effectively prevent the further disfranchisement of voters.”*

Your committee respectfully reports that it has given the resolution due consideration, and is still holding it as an authority for action when the time shall arrive for such action. It should be known by the club that during the past year a sub-committee of your committee, in conjunction with sub-committees of many other leading reform organizations of New York, Brooklyn, Staten Island, and other points in the State, devoted considerable time to the formulation of a ballot-reform law. There was not entire unanimity among the delegates as to the proper form of this bill in respect to some of its details, but there was an entire agreement that great changes are needed in the present ballot law. The bill so carefully prepared was sent to the last legislature, and there amended and changed as deemed advisable by those having this matter in charge. It was passed by both branches of the legislature, and vetoed by Governor Flower. The bill as vetoed is on the files of the bills of the last legislature, and will undoubtedly form the basis of legislation

at the present session of the legislature. When the bill shall be introduced, your committee will deem it within the scope of the authority conferred upon it by this club to give it careful examination and make such suggestions as shall seem best.

There was also introduced at the November meeting a resolution as follows:

"Mr. J. Seaver Page moved that the Committee on Political Reform take up the matter of Greater New York and report on the subject at some future meeting, for the information of the club."

Your committee has also given this resolution due consideration. On a subject of such vast and far-reaching importance, a premature or ill-considered report is not desirable. Whatever may be the opinion of members of the club as to the desirability of Greater New York, the position of the question at the present time seems to be that a majority of the people have voted in favor of it. To give effect to this vote, however, there must be legislation; and it is understood that an organization or committee of gentlemen who have especially espoused this cause has the formulation of such legislation in charge. It is the opinion of your committee that no action should be taken by this club until such proposed legislation should take form in Albany. It is apparent that a plan of consolidation may be formulated that will be objectionable in its details; while, on the other hand, a plan may be formulated that will be unobjectionable. Your committee is not possessed of the information, nor has it now the time for investigation, necessary to enable it to make any recommendation at this time. This resolution also is being held by the committee for further consideration.

Your committee has prepared a report upon the subject of a bill conferring upon Mayor Strong the power of removal and appointment to offices of the city of New York, so that he may be untrammelled in his efforts to give this city a non-partisan business administration, in conformity with the plans of the Committee of Seventy and in pursuance of his pledges to the people. Your committee has deemed it important that this club should define its position on this matter in no uncertain terms, and a special report thereon is presented to this meeting with this report.

No other resolution has been referred to this committee during the past year; nor has it deemed it advisable for the committee, on its own motion, to bring any other subject before the club.

New York, January 10, 1895.

## ADDRESS TO HON. WILLIAM M. EVARTS

*On the Occasion of a Reception given by the Union League Club after  
his Election to the United States Senate*

The Union League Club have assembled this evening to offer to you, Mr. Evarts, their united congratulations. You are no stranger to its members, for you were one of its founders, and have received at its hands all the honors it can bestow.

You are tendered this reception because you have recently been elected a member of that august body, the Senate of the United States, by the suffrages of the representatives of this Empire State. We desire in a fitting manner to congratulate you upon your elevation to that body. We congratulate ourselves, and the whole body of the citizens of the State, that they have secured your eminent abilities for that high office.

We deem your election as fitting and of good omen under the circumstances in which it has taken place. The Republican party, after having been in power twenty-four years, has been defeated at the polls and is about to surrender the executive branch of the general government to the Democratic party. In theory, parties exist with us only to enforce policies and principles of government which the people approve. They do not exist to advance the fortunes of men or combinations of men by placing them in office. This we believe to be the opinion of the great mass of the thoughtful, intelligent voters of



all parties. But, to carry out policies and principles of government, men must be chosen to office, and they must receive the honors and emoluments which pertain to office. Good party principles can produce no practical results for the people until the party which holds them can secure the offices in the government, so as to enforce and exemplify its principles. In securing the offices a new danger arises which must always confront a successful party. It is a laudable ambition for any man to desire an office in our republican government. It stimulates interest in the affairs of a government by the people when one or another of the people may be called by the suffrages of his fellows to take part in that government. There is danger, however, that the office-holding class will come to think, after a time, that the party exists only to secure places of honor and emolument for favored members of the party. When this feeling has found lodgment, personal strifes are engendered, internal factions are liable to be formed, and men of high and low degree will have their individual following. They lose sight of the purpose of their party and of their own political principles in their zeal for their favorites. Their likes and dislikes of persons will stimulate or suppress their zeal for principles, and so it may come to pass that a great party may be defeated at the polls, even though the people do not in their hearts condemn the party which they assist in defeating. The evils just spoken of are not peculiar to any party or faction, but pertain to all parties which have held power within the last half century in this republic. We do not believe these evils can ever be entirely removed from any successful party, taking human nature as it is. Nevertheless, it has seemed to us fitting and proper at this time to call attention to these dangers, and, so far as the influence of this

club extends, to declare its adherence to the principles and policy of the Republican party as best adapted to promote the welfare of the people; and to deprecate that feeling which will defeat a candidate because not the favorite of a particular faction. That there will always be differences of opinion as to the relative merits of candidates competing for the same office is to be expected and desired. Such differences tend to bring out the merits and demerits of the candidates, and should lead to the nomination of the best man. It is the spirit of faction, which refuses to support a rival, that we deprecate. We believe the honest desire of the majority of the voters to continue the policy and principles of the Republican party in power has been often defeated in this State by this factional and personal feeling. We believe that the most successful political management is that which seeks to voice the desires of the people as to candidates, rather than that management which, through the power of political organization, seeks to force the people from their choice. By this better political management public attention will be more steadily directed to a consideration of the principles and tendencies of the contending parties, and a transfer of power from one party to another will mean an approval or disapproval of the policy of one or another of the great parties. We think that, notwithstanding the defeat of the Republican party in the late general election, the majority of the people believe in its policy, and that they believe that the personal rights of all citizens and the material prosperity of the country would be best conserved in its hands. This was not the case when the Democratic party was driven from power in 1860. Among other things, it had proved itself false in its principles and policy on at least three great cardinal

doctrines which the people deemed material to the perpetuity and prosperity of the republic.

That party comprised a large body of citizens who taught such extreme views of State rights that they finally developed into the claim of the right of secession. The bond of the federal Union was weakened and the republic almost destroyed.

The Democratic party was false to the great principle of our government, that all men are free and equal before the law.

The Democratic party was also false to another great doctrine, the application of which we believe to be essential to the prosperity of the country; namely, that legislation should be so framed as to foster American industries.

It was because the Democratic party was false to the true interests of the people upon these three great leading issues that it was driven from power in 1860 as no longer to be trusted with the government of the country.

The Republican party assumed the control of the government, and has held it for twenty-four years. It has during this time, as far as possible, uprooted the pernicious doctrines and policies which the Democratic party had fostered. It has restored the federal authority to its proper place in our scheme of government; made it strong and respected at home and abroad. It has preserved to the States their just rights, holding them at the same time in their proper relations to the general government. Notwithstanding this splendid record, the party has been defeated at the polls. If this defeat had been effected because, on a full and fair discussion of the policy of the Republican party, the people had determined to reject it, the defeat would have great significance. But in looking back upon the history of the campaign just closed, we

cannot believe that the result of that campaign was due to the sober condemnation by the people of the principles of our party.

We know that the old issues, or some of them, will arise again in some form, and will have to be discussed. Questions of great importance will present themselves. Among them, questions affecting our foreign relations, our shipping interests, the tariff, and internal revenue, upon all of which questions our party will be likely to take issue with the Democratic party. We recognize that the Senate of the United States is the best forum from which to carry on that discussion. We believe that you are well equipped, by your great experience and learning and by your ability in forensic debate, to present upon that forum the views of Republicans of the Empire State. You have been elected in response to the call of the people. Your most ardent supporters in the legislature represented all the divisions that have heretofore been supposed to exist in the party, so that men who have not heretofore coalesced in party management were found to be rivals in their hearty support of your candidacy. This seems to point to the conclusion that factional spirit is to be laid aside, and that the Republican party will seek to regain power, as it originally acquired it, by its better principles and policy and its better capacity to preserve the just rights of all the people and promote their prosperity.

It is because you, sir, have been chosen to be one of the foremost standard-bearers of the party in the great contest that is before us that we have tendered you this reception. And while we congratulate you upon your election, we pledge you our support in the great work in which you are to take so conspicuous a part.

New York, April, 1885.

PAPER PREPARED FOR THE UNION LEAGUE  
CLUB IN MEMORY OF JOHN BRIGHT

The Union League Club of New York deems the death of John Bright an event that calls for some fitting tribute from this body. A great and good man has finished his earthly career. He has left a record of character and influence not often made. His fame does not rest upon deeds performed upon the field of battle or in the works of science or literature. His great work was in moulding and directing the thoughts of men. In this field he was a leader of first rank. He was a clear thinker, anxious always to be right. Having settled in his own mind what was the right of any cause, he espoused that cause with all his energies. He was a clear and cogent speaker, and by his powerful oratory, personal magnetism, and moral force, any cause he advocated seemed to be reinforced by a mighty host. He was by birth and education a Quaker; all the sentiments of his nature were opposed to war; but he could look behind a war to see if the cause of the conflict justified it. In the British Parliament he did not hesitate to denounce the wars of his own government. He was not blinded as to the justice of a conflict by the sentiment that one must sustain his country in all contests. Actuated by a high sense of duty, he did not hesitate to denounce the Crimean War as wicked and unnecessary. For this he lost his seat in Parliament. For the same reason,

he resigned from Gladstone's ministry when the bombardment of Alexandria took place.

He was a close student of American politics. He understood perfectly the causes that led to the great War of the Rebellion in this country. He saw on the one side an attempt to found a government upon the basis of slavery; on the other side he saw a great nation striving to maintain a government founded upon the equal rights of all men. He abhorred the idea that in this age a nation could be founded upon slavery. Here was a cause for which, according to his standard, war was justified. He did not hesitate to give the loyal North his hearty support. It took no little courage to do it. The governing and wealthy classes of his country were at that time in sympathy with the South. All who were then living remember well the feeling of disappointment, which soon turned into anger, at the seeming failure of England to give the loyal North moral support and fair treatment. It was at this juncture that John Bright stood up for our government against the tone of England, and won the hearts of all loyal Americans. It is hard, at this day, to realize the value of the service he rendered to this country. It checked the tide of public sentiment in England, that seemed to be almost unanimously against our government. It was soon found that he spoke the sentiment and sympathies of the middle and laboring classes of his country. From that time we have cherished his name and memory as worthy of lasting gratitude. For more than twenty years his portrait has hung in a conspicuous place on our walls. We invited him to be our guest, but he was unwilling to make the journey to this country. We have felt that no recognition we could give of his services was too much for him; and

now that he is dead we can only fervently and reverently resolve that we shall ever hold his memory in grateful remembrance.

New York, April, 1889.

## NATIVE COPPER IN MICHIGAN

Few people have any knowledge of the native copper of Michigan—what it is, where it is obtained, or how it is procured and prepared for market; nor is the magnitude of the industry understood. Last year there were produced 105,586,000 pounds of refined copper, which at 17 cents per pound (about the price of copper at this writing) would amount to the sum of \$18,045,620. It is a rapidly growing industry, and the new openings and additional machinery, now fast getting ready for operation, point to an increased production of at least 20 per cent. in pounds of copper for next year.

About \$250,000,000 in value have been taken from these famous mines, and yet no one suggests a probable limit to the supply, or dares predict the extent of the possible future development of this great industry. Native copper is so called because each particular piece of copper as it is mined, whether it be many tons in weight or a fine particle of dust, is pure copper of the same kind and quality as the ingot copper of the world's markets. It is not alloyed with any other mineral, except it carries a trace of silver, and pure silver in small quantities is often found imbedded in it.

It was this purity of the metal that made these mines an object of interest to an ancient people who discovered and worked them extensively in some prehistoric age.

Those who look at a map of Lake Superior will see a peninsula called Keweenaw Point that juts out into the



lake from the southerly shore, in a northeasterly direction. It is a wee, small bit of land in this world to contain so much wealth and to possess so much romantic interest. These famous mines are situated along a line about in the middle of this peninsula, running from southwest to northeast, and copper has been found at various points along this line for about fifty miles. Ancient works have been found at numerous points for about thirty miles.

There is a deep mystery about these old works that it is impossible to fathom. In the opinion of many they were worked by a race of men that preceded the Indian races found here when Columbus discovered this continent; but others think that they were worked by the ancestors of the Indian races here when white men first penetrated this then far-distant country. This question can never be conclusively settled. This much is certain, that, whoever worked these mines in ancient days, all knowledge of the existence of the mines was gone from the Indians when white men rediscovered them.

These ancient miners were a diligent and persistent people. They seemed to know nothing of smelting copper, for there are no traces of molten copper. They were after pieces of suitable size to work by cold hammering into useful articles and ornaments. They understood the use of fire in softening the rocks to enable them to break away the rock from the masses of copper. They knew nothing of drilling or blasting, but used the stone hammer freely. More than ten cart-loads of stone hammers were found in the vicinity of the Minnesota mine. One of the larger class weighed thirty-nine and one-half pounds, while smaller specimens weighed five or six pounds each.

These stone hammers have a crease around them, obviously for a withe handle. Such handles are made of

tough saplings or small trees that will bend around the stone, and, when firmly bound in their place by strips of strong bark, make a hammer about as effective as a modern blacksmith's sledge-hammer. Ashes and wood coals have been found on the rocks at the bottom of the working, showing the use of fire to prepare the way for the effective use of the stone hammer. These mines must have been worked for centuries, judging by the extent of the works.

In one place the excavation was about fifty feet deep, and at the bottom were found timbers forming a scaffolding, and a large sheet of copper was discovered there. In another place in one of the old pits was found a mass of copper that weighed forty-six tons. At another point the excavation was twenty-six feet deep. In another opening, at the depth of eighteen feet, a mass of copper weighing over six tons was found raised about five feet from its native bed by the ancients and secured there on oaken props. Every projecting point had been taken off by these people, so that the exposed surface was smooth.

Wherever the ancients found copper from a few pounds weight to a few hundred pounds in weight they were obviously able to utilize them, but the large masses were too heavy for them to handle. Their habit was to throw the broken stone behind them as they progressed with their works. Many of their workings are ten feet or less in depth. The copper obtained by these people was wrought cold into axes, chisels, knives, spear heads, arrow heads, bracelets, buttons, beads, etc. It has been observed that very few of these articles are found near the mines.

There is a piece of low arable land a few miles from the mines, near the mouth of a small stream that runs into Keweenaw Bay, which the old miners probably used as

their camping ground, for here has been the principal find of ancient tools on Keeweenaw Point. These copper tools have been frequently found in the old earthworks in Wisconsin, Ohio, and Canada, and the writer thinks that he has read of their being found farther south, in the Mississippi Valley. There are no human remains found near the workings, nor evidences of human habitations.

The extreme severity of the winters and the absence of any evidence of permanent occupation have led many to suppose that the ancient miners migrated from some warmer climate in the spring and returned in the autumn, perhaps bearing their dead away with them. Whoever they were, whatever their habits were, many centuries have passed since they last worked these mines. Their trenches and openings have become filled up, or nearly so. Monstrous trees have grown over their works and fallen to decay; other generations of large trees have grown and perhaps fallen and decayed; how many, no one can tell. All that is known is that when the mines were rediscovered decayed trunks of large trees were lying over the works, with a heavy growth of live timber then standing on the ground. Over one of these works in the Minnesota mine Mr. Knapp reports that a hemlock tree which he felled showed 395 annular rings.

The desire to fix a time when these old works were closed is intense, but cannot be gratified. It would be curious to compare the civilization of Europe with that of these people at the same time, if we could fix the date. What was Europe doing when these stalwart men of the Northwest were swinging those tons of stone hammers in a no mean effort to accomplish a feat of mining that, a few years ago, would have been creditable to our boasted civilization?

Had Columbus pointed the prow of his ship to these shores at the very time these men were industriously working these mines, or had the forest trees then grown over them? Dates would be interesting, but they cannot be established. Of one thing we are certain, a great modern industry has been, or, more properly speaking, is now being, built upon this ancient industry.

The Jesuits who visited this country about two hundred years ago learned from the Indians that there was copper in the country. Claud Allouez, who visited Lake Superior in 1606, states that pieces of copper weighing from ten to twenty pounds were frequently found by the savages. Pieces of copper that have been carried by the convulsions of nature from their original bed are found many miles from the copper veins. In 1864 a mass of copper weighing about eighteen tons was found loose on the drift covering the rock near Portage Lake.

A copper rock now on the government grounds in Washington has a strange history. It was brought from the banks of the Ontonagon River. It is supposed to have been removed by the ancients in some way to the banks of the river, and in an attempt to raft it over it got away from them and sank to the bottom. When the water was low it projected above the surface, and was an object of religious veneration. It is said to have been known for over 200 years. The Jesuits heard of it from the Indian priests, who, however, refused to conduct the missionaries to the spot where it lay, on account of a superstitious belief that when the white men had seen it the Indians would be destroyed—a belief not without reason.

In 1820 General Cass sent a party of men to fetch the rock away, but owing to its great weight they did not succeed. Another attempt was made to remove it in 1827,

but as the river was high and it was pretty much covered with water this attempt failed. In 1842 another attempt was more successful. It was removed to the mouth of the river. A Mr. Eldred claimed to own it. It was afterward claimed by a government agent, and finally removed to Washington. By act of Congress Mr. Eldred was paid \$5,655 for it.

The first attempt at mining within historical times was in 1771, but the location was not skilfully chosen, and it was a failure. It was not until the report of Dr. Douglass Houghton, State geologist, in 1841, that there was any public knowledge of native copper in place on Keweenaw Point. This report awakened great interest in this country, and explorations and developments have gone on with generally increasing interest to this date. A history of the early struggles and trials of those who took part in the development of this country would be exceedingly interesting. It is a pity the task is not undertaken by some competent person before death has removed the last of the actors who could tell the tale.

It was not until 1844, after the Indian titles were extinguished, that mining began in earnest by white men. Hundreds of companies were unwisely organized. Speculation was rife. Works were begun under great difficulties, and knowledge of mining was limited. Capital was also limited. The usual result followed—a grand collapse—in 1847. Disappointment and failure were general, with some notable exceptions. The methods of mining then employed were primitive. The country is full of abandoned works, and many of them are now being reopened with fresh capital.

In the early days the mining was, in some of its methods, not unlike those of the ancient miners, but some

modern ideas were introduced. Drilling, blasting, and stamping in a crude way were employed. In all cases, except where large masses of copper were found, the ore was roasted in burrows. These were formed by layers of wood and layers of ore. In the roasting process care was taken not to have the fire hot enough to melt the copper. The large pieces of copper were sent to the smelting works, the smaller pieces of roasted ore were stamped and washed, and the resulting copper put in barrels and sent to the smelter. This was called "barrel work."

The masses of copper found in the earlier days have not been equalled in size in later years. In fact, large masses of copper are not as profitable to find, owing to the difficulty and expense of getting them out and cutting them up. Among the numerous masses of copper, the most notable was found in the Minnesota mine in 1857. It was difficult to dislodge it from its native bed. Charges of powder, first of 125 pounds, gradually increased to 550 pounds, failed to dislodge it. Finally, a charge of 750 pounds, securely tamped under it, was fired, with the result of lifting from its bed, without fracture, a mass of copper forty-six feet long, eighteen feet in breadth, and nine feet thick, the latter two measurements being taken at the greatest distance, the whole mass weighing about 500 tons. In cutting it up fifteen tons of chips of copper were made.

In the early days of mining there was great difficulty experienced from the isolation of the country and want of transportation facilities. There were no railroads or telegraphs, and the only means of transportation was by water. All supplies for men and animals had to be brought up before navigation closed. The winters were long and severe. When once the cold weather began

the people were as isolated from the rest of the world as the Laplanders. For from six to eight months they had little or no communication from "below." An occasional mail would be brought in by hardy adventurers on snowshoes, with dog trains.

One of the pioneers related to me that the news of the first President Harrison's election in November, 1840, and of his death the following April, came in the same mail, about two months after his death. With all their trials and deprivations, those who wintered here had many social enjoyments and much real pleasure. There was much good society among those in charge of the works, and innumerable stories are told of the good times they had in the old days of forty years ago. In those days men walked ten miles on snowshoes to make New Year's calls. A short neighborly call would usually last at least a week.

All this is changed now. Railroads, telegraphs, telephones, and electric lights, and a greatly developed industry have inaugurated a new era. The theatre of principal mining interest has changed. The greatest mine for many years has been the Calumet and Hecla. The development of this mine began about 1867. Its progress has been wonderful, and to-day it ranks as one of the greatest copper mines in the world. Its works are situated on what is locally known as the Calumet and Hecla Conglomerate.

This is a vein at its mine of from six to twenty-eight feet in thickness, generally carrying copper interspersed through the rock, the larger pieces, with rare exceptions, usually weighing only a few ounces, and from that of all sizes down to dust as fine as gold dust. No very large masses of copper have been found, none worthy of notice compared with those before referred to. It is the uni-

versality of the small pieces of copper through such a vast quantity of rock that makes the marvellous wealth of this mine, although in their explorations the workmen have found long stretches of rock too lean to be worth milling.

In some of their shafts paying rock has been found near the surface. In their early days they were fortunate in opening such shafts in very rich rock near the surface, which gave the company its financial strength, enabling it to pay good dividends and push explorations. The shafts extend for about two miles along the vein, and are fourteen in number. Many of the shafts have been sunk to a great depth before finding paying rock. One of the latest explorations descended 2,300 feet before paying rock was found. All of the shafts have found paying rock when pushed deep enough, and all are richer at their greatest depth than at the surface.

A study of these results, as well as of the results at other mines, has led to the conclusion that the most profitable mining is to be found at great depths. The method of mining by this company up to this writing has been to sink their shafts down on the slope of the vein. Captain Daniell, one of the ablest miners of that country, who has been for twelve years in charge of the Osceola mine, reasoning out the probable course and character of this wonderful vein, backed by abundant capital, inaugurated a bold and original idea of mining. Selecting a location beyond the lands of the Calumet and Hecla and above the vein, he calculated that a perpendicular shaft should strike the vein at a depth of 2,300 feet. It was a bold enterprise to go out into the open country and lay out the work upon land that showed no indications of copper at the surface, and enter upon a labor of years to find a vein of copper



the continuity of which was unknown except by logical reasoning from the surface openings of the Calumet and Hecla mine.

What freaks of nature in the bowels of the earth might defeat his logic no man could tell. Patiently, year after year, the work went on, and at the end of three years and four months the expected vein was found, within thirty feet of the expected depth. The result was the opening of the famous Tamarack mine, which, with other mines now opening by the same men, bids fair to rival the Calumet and Hecla. The Tamarack mine has been in successful operation for four years.

Encouraged by this success, a second shaft has been sunk on the same location, which has just come into successful operation (August, 1890). The vein where pierced by these two shafts is of the same general character as that in the Calumet and Hecla. On another location the same company has sunk two shafts to a depth of 2,300 feet, but do not expect to reach the copper until November next, at a depth of about 2,500 feet. A third mine of two shafts has been commenced on still another location and has attained a depth of only 500 feet, but is expected to be sunk about 3,800 feet before reaching copper. These are bold departures from the traditional method of mining in this country, which heretofore had been to sink on the slope of the vein.

Within about two years the Calumet and Hecla commenced an enormous vertical shaft, intending to cut the vein on their land at a point below their present workings, at a depth of about 3,700 feet. It will take nearly two years before this shaft can reach the vein. It will be interesting to note the result of all these unfinished works. If the calculations of their projectors are not at

fault, they will put into the shade all past achievements in copper mining in this country.

Modern methods of mining and milling have made great advances over old methods. The rock is no longer roasted. That method was abandoned years ago. Black powder has been superseded by high explosives that throw down much larger masses of rock. The hand drill has given place to drills driven by compressed air. All the rock is stamped in mills of great power. In 1860 a report was made of a mill that stamped thirty-three tons per head per day. Now a single head will stamp 260 tons per day.

The method of procedure is to raise the rock to the surface in such lumps as it is left in by the blast in the mine. Here the large pieces are put through stone crushers that break it into lumps not larger than a man's fist. It is then dumped into cars and taken about four miles to the border of a small lake, where it is stamped and washed, a process called milling. After the earthy matter is worked out as far as practicable, it is sent to the smelter, where it is cast into the various forms of copper required in the markets of the world.

It is difficult in a few words to give an idea of the magnitude of these operations. The details would be tiresome. A few facts will serve in some measure as indices to lead the mind to comprehend the subject. The people who live almost together upon the group of mines, of which the Calumet and Hecla is the principal one, number about 12,000, all of whom are either directly or indirectly supported by the mines. About half as many more are supported around the mills and smelting works.

All the mines have to pump water up to their mills to wash the earthy matter from the copper. The amount of water pumped daily by the Calumet and Hecla to its mill

is about 34,000,000 gallons, a good supply for a city. But more than this, this company has nearly completed a pump that will throw about 50,000,000 gallons a day, or an amount in excess of half the water supply of the great city of New York prior to July, 1890. The dividends this company has made to its stockholders exceed \$35,000,000. It is only by such comparisons that the mind of the general reader is brought to a comprehension of these great works.

The amount of sand washed into the Portage Lake became so great that it threatened to stop navigation, and the United States government has had to interfere and prevent further use of the lake. Many acres of made land are now in the lake from these washings. At present most of the mills are on Torch Lake, but the time will come when Lake Superior will have to be the dumping ground.

The Calumet and Hecla sends daily to the smelting works about 135 tons of mineral, as the copper is called after stamping and washing, which when smelted will produce about ninety-five tons of pure copper daily. The greatest depth of the Calumet and Hecla is over 3,000 feet, and the greatest depth of the Tamarack is about 2,850 feet. These two mines, the greatest producers, are selected by way of illustration. Proper limits forbid further details in this paper, although the operations of the Quincy, the Atlantic, the Osceola, and others would be interesting.

The native copper of these mines is the only considerable body of such copper yet found in the world. The character of the mines improves the greater the depths to which they are worked. In this respect this district is different from many others. The Cornwall mines of Eng-

land gradually changed to tin mines as they went down. In Montana the mines are of decreasing value when worked below the water level of the country. The Chilian mines, that once dictated the price of copper for the world, can no longer be worked with much profit, and are not a serious factor in the market. The native copper of Michigan has more tensile strength and greater conductivity for electrical purposes than any other. It commands the highest price in the market, for its better adaptability for many kinds of manufacturing purposes.

In the deep mining of this country no particular change is noticed in the temperature of the mines as they go down. Water is not encountered in troublesome quantities. The veins seem to be almost hermetically sealed. These are all favorable conditions for mining. A striking feature of these improvements is the ponderous machinery, engines, pumps, stamps, and fly-wheels, as fine as any in the world, housed in large brick and stone buildings with iron roofs. All this in a place where the "forest primeval" stood in its solemn stillness thirty years ago. The trees were of phenomenal size, and the sunshine hardly penetrated their close and tangled growth. Even now the stumps have to be grubbed out to make way for advancing improvements.

Such are the Lake Superior copper mines as they appeared to me in my leisure hours of outing in 1890. Great as have been their strides in the past, it seems to me that the men in charge are just beginning to understand the business and the country. Wonderful as the improvements have been, others are to follow. Advanced thinkers are looking forward to the time when electricity will come to their aid to drive their drills and perhaps light these subterranean caverns. The time will also come when a limit

will be reached for hoisting by steam power from the surface.

When I suggested this difficulty to Captain Daniell his quick response was: "Electricity can be used to bring the ore within reach of a surface hoist." At the suggestion of expense he said: "That is not a very material factor." His answer suggested large thoughts of future possibilities. It is refreshing to get away from the rut of metropolitan life and be with men who are doing the really big things in this world—stalwart thinkers who form great plans and patiently carry them out. Whenever a just estimate of the really great men of the land is made up, a successful mining captain or superintendent will hold no mean rank.

New York, August, 1890. /

## ARGUMENT BEFORE THE LEGISLATURE IN FAVOR OF AN EAST RIVER BRIDGE

At first blush the building of an East River railroad bridge by the Long Island Railroad Company would seem to be a bold enterprise, hardly justified by the situation. An examination, however, shows that such is not the fact. The day is passed when service by ferry, through fogs and ice, is to be endured longer by the travelling public, with the changes and annoyances attendant upon reaching the river front, if there is a practicable way of avoiding such annoyances. The two questions are:

First, the physical difficulties; and,

Secondly, the financial question of its being a safe enterprise for investors.

The plan of the proposed bridge and railroad, in a few words, is to start on Park Avenue at some suitable point between Thirty-fourth Street and Forty-second Street, with a large passenger depot so constructed that the trains run into the second story; thence running by a viaduct or elevated road to the river front, spanning the river, with two piers in the middle, to the east side, and thence on a viaduct or elevated road to Laurel Hill, Long Island.

That such a mode of transportation would be of the greatest public convenience is not open to debate. The effect would be to enable all citizens of New York to proceed with the greatest comfort and the greatest rapidity to the most magnificent stretch of beach and healthy land that lies approximate to any city in the world.

In spanning the river a pier will be erected on the New York side, on the bulkhead line. The next pier will be built on what is known as Man-of-War Rock, a dangerous reef in the middle of the East River that is uncovered at very low tide. This would leave the channel between New York and Man-of-War Rock of the same width that it is at this time, a distance of 1,000 feet. A second pier would be placed in the water east of this rock, leaving a space of 1,100 feet for the channel between that pier and the Long Island side. The average channel on each side of Blackwell's Island is not to exceed 800 feet, and in many instances it is 100 feet less than that, while the channel through Hell Gate that is available is in many instances only about 400 or 500 feet, so that there would be no obstructions to navigation through such structure.

Every great enterprise that has been undertaken for the purpose of affording facilities for travel has in a short time been taxed beyond its capacity and beyond the most sanguine expectations of its projectors. No better illustration of this can be found than in the statistics of the passengers carried and the earnings of the Brooklyn Bridge, as shown by the following table:

	Passengers carried over Bridge.	Earnings.
1883 (6 months).....	1,082,500	\$54,115 00
1884.....	8,528,840	426,486 00
1885.....	17,023,237	537,435 09
1886.....	24,029,267	661,361 51
1887.....	27,940,313	768,768 69
1888.....	30,331,283	833,760 34
1889.....	33,954,773	931,973 39
1890.....	37,676,411	1,032,014 23
Total.....	180,566,624	\$5,245,914 25

Another striking illustration of the rapidity with which the public avails itself of any increased facilities for travel is shown by the growth of the passenger traffic on the elevated railroads. The following table illustrates such growth:

For the year ending September 30, 1884....	96,702,620
“                    “                    “                    1885....	103,354,729
“                    “                    “                    1886....	115,109,591
“                    “                    “                    1887....	158,963,232
“                    “                    “                    1888....	171,529,789
“                    “                    “                    1889....	179,497,433
“                    “                    “                    1890....	188,203,877

During the year 1890 there were carried across the various ferries on the East River 88,663,509 passengers, and across the North River for the same period, 84,663,400 passengers, making a grand total of 173,326,909 passengers carried on the several ferries from this city.

Notwithstanding the enormous traffic that has been carried on the elevated railroads, there has been a large increase in the travel upon the horse-car lines of the city of New York, as shown by the following table:

Number of passengers carried on horse-car lines in  
New York City.

1884.....	169,147,493
1885.....	190,836,475
1886.....	209,627,823
1887.....	203,182,092
1888.....	199,357,525
1889.....	208,504,703

No thoughtful person hesitates to believe that the population of New York in the near future will be as



large as, or will be larger than, the present population of London. London is situated upon a comparatively small island. New York has an open territory behind it to the Pacific Coast of 3,000 miles in extent, that is growing and developing with accelerated speed, to sustain and promote the growth of this city.

Long before the bridge can be constructed there will be a demand for its use much greater than exists at this day. Immediately upon its opening, this demand will be greatly stimulated.

The growth and prosperity of London depend upon the fact that bold engineering enterprises have pointed out a way to bring railway trains to the heart of the city without interfering with the comfort of the people. It would be impossible for London to be London without these great works.

As a matter of State pride it is desirable that the property and the development should be upon the soil of the State of New York rather than upon that of a neighboring State.

No objection can now be raised to the proposed bridge spanning the East River at an elevation of 135 feet above the water at mean high tide. One bridge having been built and others having been authorized, the time is fully ripe for affording every reasonable facility that can be given between New York and Long Island. No one doubts the necessity and desirability of leaving the navigation of the North River unobstructed, but this bridge adds nothing in the way of obstruction to the river. While river navigation has in the popular mind and in the minds of those interested in river navigation been held to be something almost sacred, nevertheless modern progress and the conditions of modern civilization require that while the rights

of navigation should be carefully respected and preserved, the greater mode of transportation by railroads, which is also a matter of the largest public interest, shall also be facilitated to the largest possible extent. The two can and should be made to harmonize. There are various great waterways in this country that have opposed the construction of railroad bridges, but the requirements of railroad transportation have overcome those objections, and bridges have been constructed, and it has been found to be possible to harmonize whatever conflicting interest there may have been between those two great methods of transportation, so as not to injure the waterways nor to impede the railway—notably the numerous bridges across the Mississippi and Ohio Rivers, and the bridges across the Hudson River, particularly the Poughkeepsie Bridge, where piers are sunk in the middle of the river. As a matter of fact, the navigation of the Hudson River goes on just as before, without difficulty, with the Poughkeepsie Bridge built across the river.

In the construction of the East River Bridge it is perfectly understood that it must be authorized by the authorities of the United States; and while this legislature can take one step, and a necessary step, in that direction, there must be a concurrence of the authorities of the general government and also of the authorities of the two cities through which the structure is to be built.

Bold and expensive as the enterprise is, it was not deemed advisable nor desirable to ask any concessions by way of exemption from taxation to promote the enterprise. All the property that will be acquired and all the structures built will remain subject to taxation precisely the same as other like property is taxed within the State. The only favor asked is that capital may be permitted to build

the structure, and that it may not be hampered or embarrassed so as to prevent its being constructed, and that it may have the same chance that other enterprises have that are for the benefit of the public and the benefit of the investors.

Bold as the enterprise is, it is sound as a matter of public policy and sound as a financial venture, if it is permitted to go on without unnatural and unjust limitation.

This enterprise is of the greatest importance to the development and growth of the city of Brooklyn. As a consequence of building the bridge, Brooklyn will be put in immediate and close connection by rail with the great lines of railroad that run east, north, and west from the Grand Central depot. Whether Brooklyn shall ultimately become a part of the Greater New York of the future, the material advantages will accrue just the same to that locality if it shall continue a separate municipality instead of forming a part of New York.

The growth of travel on the Long Island Railroad is an illustration of how improved facilities have been accepted and used by the public and have become necessities for their accommodation and comfort. In 1876 the total receipts of all the roads now constituting the system combined in the Long Island Railroad, with slight increase of mileage, was only about \$1,500,000. As increased facilities have been given to the island the business has increased with steady progress, until the last fiscal year showed an income of over \$4,000,000. The road has been handicapped in its growth and development by the annoyances and difficulties of ferry transportation. While the natural growth will undoubtedly go on in the future as it has in the past, with such increased facilities as must of necessity be provided for it, it will be apparent to any

one who will reflect that if the annoyances of approaches to the ferries and of passing through Long Island City along Newtown Creek can all be removed, the measure of past increase will be no guide to the future increase.

The number of passengers, as returned to the Railroad Commissioners, carried over the Long Island Railroad each year, is shown by the following table:

				Number of passen- gers carried.
Year ending	September	30,	1881.....	6,512,270
"	"	"	" 1882.....	8,878,453
"	"	"	" 1883.....	9,024,370
"	"	"	" 1884.....	9,326,747
"	"	"	" 1885.....	10,057,713
"	"	"	" 1886.....	10,458,896
"	"	"	" 1887.....	11,900,022
"	"	"	" 1888.....	12,234,083
"	"	June	" 1889.....	12,439,759
"	"	"	" 1890.....	13,139,691
"	"	"	" 1891.....	14,269,180

This enterprise comes to the legislature, not with the desire to secure a franchise for the purpose of sale, or to be in the way of any other enterprise, but it comes here backed by the capital and resources of the Long Island Railroad. It does not seek to interfere with any other bridge enterprise. The character of the work it proposes to do is the transportation of passengers upon railroads. It does not propose to carry foot passengers or teams, but leaves that field to any capitalist who may seek to build a bridge for that character of service. It would be perfectly consistent, in granting this franchise for the purposes that it is desired for the Long Island Railroad, to

also charter another bridge to perform the work now performed by the Brooklyn Bridge. The two would be in perfect harmony. In the near future there will be a large city in the territory between the East River and Flushing Bay that will require a bridge for the local business, and the granting of the franchise for such a bridge would not in the slightest degree interfere with this enterprise, nor would it meet with any opposition from the promoters of this bridge.

New York, 1892.

## THE REAL VALUE OF COIN

*It is Fixed by the Value of the Bullion in it, not by Laws*

*To the Editor of the Tribune:*

Sir—It cannot be too often pressed upon the attention of the people that in the great markets of the world gold and silver, whether coined or uncoined, pass only at their bullion value. The stamps and marks upon each particular piece pass for nothing, no matter in what mint it is coined. If \$1,000,000 or £1,000,000 are paid in any great centre of trade—say London or Paris—the money is never counted, but weighed, and taken at a fixed price per pound. A bar of gold of standard weight and fineness is just as valuable as a like weight of coins from the mint. The gold coins of the English mint are treated precisely the same in the Bank of England as are the coins of the United States, France, or any other country. Weight and fineness are the supreme tests. Marks of value placed on the coins by the different countries are of no moment. Silver is treated in the same way. Coined silver has no value over bar silver in the channels of trade in the world. A considerable amount of silver in every country has a fictitious value because it is the only metal that it is practicable to coin into small enough pieces for the small every-day transactions of the people of each country. Some gold nations carry more silver and some less in this way, in proportion to population. The silver advocates constantly ignore the bullion value of coined silver dollars,

and talk about them as if by some potent mysterious power the government could, by melting and forming the bullion into coin with marks on it, interject some new value into the silver. This is a great and mysterious feat for a government to perform.

Somebody will certainly try to find out the ultimate factor in this great event. To solve the problem we would suggest that the owner of a new ten-dollar gold piece and of ten new silver dollars put the gold piece in a crucible and melt it down; then put the ten silver dollars in another crucible and melt them down, and look for the result. He will find that his gold will still be worth ten dollars in the markets of the world, but his silver will be worth only five dollars. Curious result! An interesting thing has happened from a scientific point of view, although rather startling from a financial point of view. No value gone out of one metal by melting it, and five dollars gone out of the other by the same process. The curious inquirer will ask, "What is the virtue that has gone out of one metal and not out of the other by melting it down?" He will be likely to conclude that the lost five dollars in the silver is a pretty elusive substance, rather "gassy" for banking purposes or to use in dealings in the markets of the world.

Our experimenter is out five dollars now by his operations. We can suppose that he now applies to Mr. Bryan to know what he shall do. Mr. Bryan would probably say: "That is easy to remedy when we get free coinage. Take your gold and silver back to the mint and have it recoinced; bullion value has nothing to do with the value of money." Upon reminting the gold and silver a wonderful result again appears. The gold comes out just ten dollars, and the silver comes out apparently just ten dol-

lars. It is rather puzzling to find out how it has happened that the gold has passed through the fire twice without change of value, while the silver was reduced to its bullion value of five dollars by fire and raised again to ten dollars by coining it. There can be but one solution to this riddle. It is in the inherent power of the Congress of the United States. They can pass an act and force into a piece of silver worth fifty cents in gold a value equal to 100 cents in gold. It does not look reasonable, but Mr. Bryan said he "believed" that would be the result. Is not that enough for any reasonable man?

Yes, Congress must have the power to take a commodity that has only a commercial value by weight in the markets of the world, and by its own fiat double its value. At least such seems to be the only reasonable conclusion from the silver advocates' premises.

But here comes another question: Why all this bother about sixteen to one? If Congress is omnipotent to fix value regardless of bullion value, why not make it eight to one? It seems just as easy to stamp the quantity of silver in a half dollar with the stamp of one dollar and so make it a dollar. The same inherent power that can go half way can surely take the next step and go all the way. By this step we could double our silver money at one bound.

Of course the idea of the Old World that all money, gold and silver, should be weighed, and its bullion value found out, would bother us for a time in the markets of the world, where the surplus cotton and wheat are to be sold. This little matter does not seem to trouble the silver advocates.

All this trouble about a gold standard of value in coin, according to the silver advocates, seems to have its root



in the idea that farm products are too low, chiefly the great staples of cotton and wheat. In their arguments they ignore the interests of the mine owners. Why not invoke the inherent power of Congress to increase values in another way, by fixing a new standard of measure? Make half a bushel of wheat a bushel, a half pound of cotton a pound! This would apparently double the products of those staples. The only trouble the producers would meet when they appeared in the foreign markets with their surplus products would be that the foreign purchasers would insist upon applying the same rule they do to gold and silver, and weigh the stuff. That little difficulty ought not to baffle the silver philosophers.

The mistake our free-silver advocates make is in mistaking the function of a government in the act of coining metal. It is simply the act of an honest and trusted agent to weigh and mark each piece of coin and certify to its weight and fineness. After that its value is determined in the marts of trade. It is true that Congress can decide what shall be legal tender, and in law the coins they declare shall be legal tender will be legal tender. There is a wide difference between value for legal tender and value in trade. One is compulsory by law for a special purpose, the other value is determined by the consensus of opinion of mankind in trade. It is by the latter standard that real value is fixed.

To illustrate: Suppose we finally go upon a silver basis. The law would still stand that both metals could be legal tender, and for that purpose be equal. But if gold should go to a premium of say 100 per cent., how long would it take for everybody to know that gold was worth more than silver, in spite of the act of Congress? Turn the question as you will, actual value cannot be created by

act of Congress. There is a law above and beyond that body that fixes actual value. Happy is the country all of whose coins conform to this supreme standard!

Compulsory free coinage means the adoption of silver as the unit of measure of all values. If the silver advocates who understood the subject were honest, they would go to the people with the issue stated in its true form. To put it bluntly and plainly, so that common people can understand, they would say, "Our purpose is to adopt a silver standard." Every advanced civilized nation has abandoned silver as a standard, because it has been tried and found wanting in that essential of a standard, fixity of value. In commerce it has been found to have the same fault that rubber has for tapelines—too elastic, too uncertain. The South and the West have been clamorous for a foreign market for their products. They will find out that they will have to come to the hated gold standard in those markets, whatever this government may do.

The largest experience and most advanced thought have decided that there is no other standard. Our money will be put on the scales and weighed, and will be received at just its bullion value, not a farthing more. Congress is powerless to decree it otherwise. So far as the outside world is concerned, we can gain nothing out of free-silver coinage. The scales will detect and throw out every false estimate and mark we may put upon silver. We shall step down from our proud position as one of the foremost nations of the globe. Upon ourselves the blow will be felt most severely. The first to feel its effect will be the laboring man. None will escape. To vote for compulsory free coinage is to vote for financial chaos, with all the losses and suffering involved in that condition of things.

A word of exhortation to my countrymen. Ponder long

and deeply before you take this wild leap into financial chaos. A lifetime of regrets will not atone for such a mistake. Don't think for an instant that it is a matter of small moment how you vote. The spark that flies into the magazine is small, but the destructive explosion is tremendous. Dallying with silver for twenty-three years has brought us to the brink of ruin.

The Bland law compelling the coinage of silver was the entering wedge of all our silver troubles. We have gone too far on that road already. It is time to retrace our steps and take our stand upon firm ground, where all the substantial interests of the civilized world stand to-day. The Pope's bull against the comet was a more defensible proceeding than the task the free-silver advocates have undertaken, for the reason that if the bull did no good it did no harm. Who will undertake to estimate the damage that will be done if these misguided men succeed in placing this country on a silver basis, unsettling all values in this vast country, and taking it out of the ranks of the foremost nations of the world?

New York, 1896.

## OPINION IN CASE OF JOHN MOST THE ANARCHIST

The men who framed the Penal Code of the State of New York undertook to specify all the crimes known to the law, to state their character, whether felonies or misdemeanors, and to provide a penalty in each class of crimes by naming a minimum and maximum penalty in most cases. The attempt to thus codify the criminal law was declared by many able jurists an impossible undertaking. It was argued that the system of laws called the common law was the accumulated wisdom of ages; that it was flexible and able to adapt itself to every new manifestation of crime that might appear, keeping within the spirit of established principles of justice, but always able to cope with any form of crime that might develop. That there was great force to this objection was felt by the codifiers and by all jurists. They knew the infirmity of language and the fallibility of the human intellect in undertaking to define in precise terms every crime. On the other hand, the common law of crimes was in many respects overgrown with a multitude of precedents and decisions, and its roots ran back through so many centuries of time that it was only to be learned by wading through a mass of books so great that there was much difficulty in some cases in determining what was the common law. After framing 674 sections of the Penal Code, specifying crimes and punishments as completely and fully as the

codifiers were able to state them, they framed the 675th section, which contains these words :

“ A person who wilfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, for which no other punishment is expressly prescribed by this code, is guilty of a misdemeanor.”

The plain and obvious intent of this was to leave in the code a little of the flexibility of the common law to meet cases which they had failed to specify in the preceding sections. That the words of this part of the section are general is just what might be expected from the nature of the case. The purpose of the section is to try offenders for something not “ expressly prescribed by this code.” If the offence was one expressly prescribed by the code, then clearly the offender must be tried under the section prescribing it. It is only offences not prescribed in the code that can be tried under this section. This section is the legislative mandate and warrant for courts to look outside of all the other sections of the code to discover offences not specified in the code. Otherwise the section is meaningless. It is fair to presume that the legislature thought that crimes would crop up that would “ seriously injure the person or property of another,” or “ seriously disturb or endanger the public peace,” or “ openly outrage public decency,” that were not mentioned in the body of the code, and so this commission was issued to the courts to explore such new fields of crime as they may appear from time to time.

We are, therefore, brought face to face with the question whether the acts charged in the information in this

case are criminal acts within the spirit and intent of this section. That the section is general in its words and not specific was a necessity of the purpose of this enactment. That the crimes that come within the range of this law are comparatively new and novel to the law is to be expected. If it were otherwise, they would have been specified in the body of the code. The acts that might be committed to produce the results condemned by the section were not common acts then generally known to criminal laws. If the conditions of "injuries to persons or property," or "serious disturbance and danger to the public peace," or "openly outrage of public decency," are found to exist, it then becomes the duty of courts to find the author of those conditions and punish him as the law directs.

We hold that the teachings of the doctrine of anarchy "seriously disturb or endanger the public peace," and also "openly outrage public decency." To give this construction to the law in no way abridges the liberty of conscience in matters of religion, nor the freedom of speech on all questions of government or of social life, nor does it in any way trespass upon the proper freedom of the press. The point and pith of the offence of anarchists is that they teach the doctrine that the pistol, the dagger, and dynamite may be used to destroy rulers. The teaching of such horrid methods of reaching an end is the offence. It is poor satisfaction when one of their dupes has consummated the results of their teaching to catch him and visit upon him the consequences of his acts. The evil is untouched if we stop there. In this class of cases the courts and the public have too long overlooked the fact that crimes and offences are committed by written or spoken words. We have been punishing offenders in

other lines for words spoken and written without waiting for an overt act of injury to persons or property. The press is restrained by the law of libel from the too free use of words. Individuals can be punished for words spoken or written, even though no overt act of physical injury follow. It is the power of words that is the potent force to commit crimes and offences in certain cases. No more striking illustration of the criminal power of words could be given, if we are to believe the murderer of our late President, than that event presents. The assassin declares that he was instigated and stimulated to consummate his foul deed by the teachings of Emma Goldman. He is now awaiting execution for the crime, while she is still at large in fancied security. A person may advocate any change of our government by lawful and peaceful means, or may criticise the conduct of its affairs, and get as many people to agree with him as he can, so long as he does not advocate the commission of crime as the means through which he is to attain his end. If he advocates stealthy crime as the means of reaching his end, he by that act commits a crime for which he can be punished. The distinction we have tried to point out has been too long overlooked.

If our conclusions are sound, it is the teachers of the doctrine who can and ought to be punished. It is not necessary to trace and establish the connection between the teaching of anarchy and a particular crime of an overt nature.

It is a strange spectacle in this age for a great nation to stand mute and paralyzed in the presence of teachers of crimes that are advocated only for the purpose of destroying such nation, and for it to have no power to defend against such internal enemies. We do not believe the

arm of the law is too short to reach those offenders against the life of the nation or too paralyzed to deal with them. The liberty of conscience, the freedom of speech, the freedom of the press, do not need such concessions to save to the fullest extent unimpaired those sacred rights of a free people.

In the case at bar every fact stated in the information was conceded on the trial. The article published in the newspaper called the "Freiheit," annexed to the information, was printed in the German language, but the translation of it was admitted by the defendant to be correct. It was also admitted that the paper was published and circulated in the city and county of New York, and that on the 7th day of September, 1901, the date of the issue containing the article in question, the defendant was the publisher of said newspaper; that the article was published and circulated before the assault on the late President of the United States. It was contended that the defendant was not the author of said article; that the same was written and published by one Carl Heinzen about fifty years ago, and was reprinted by the defendant in the "Freiheit" on March 14, 1885; that the defendant, John Most, as soon as he learned of the assault upon our late President, made all possible efforts to withdraw the newspaper containing the article in question from circulation; that with the exception of those which had been sent through the mail and delivered to the International News Company, no more copies had been sold, so far as known to the defendant. It was also admitted that the copy of said newspaper attached to the information was purchased by the complainant from the International News Company.

The article is the leading one on the editorial page



of the paper, and it is headed "Murder vs. Murder," in display type. The article begins: "As Heinzen said nearly fifty years ago (this is true even to-day), there are various technical expressions for the important manipulation by which one human being destroys the life of another. These expressions are, 'To kill, to destroy, murder, to shoot, to slay, to poison, to put out of the world, deport to Cayenne, get out of the way, to behead, to strangle, to cut down, to be killed by the sword, to execute by shooting, to imprison for life, to execute, etc.' The means, the pretext, and the reasons are various, but the purpose is always the same—the destruction of a life that is hostile or a hindrance." "It would be a senseless weakness to disguise by sentimental lamentations the frightful fact that the best means of historical development has been murder, and, in fact, murder in the most colossal shape; and this is still true." "Let murder be our study—murder in every form. In this one word lies more humanity than in all our theories." "The despots are outlawed; they are in human society what the tiger is among animals; to spare them is a crime. As despots permit themselves everything, betrayal, poison, murder, etc., in the same way all this is to be employed against them. Yes; crime directed against them is not only right, but it is the duty of every one who has an opportunity to commit it, and it would be a glory to him if it was successful. Only towards mankind is there a moral of consideration; the moral toward beasts is destruction." "Murder as a necessary defence is not only permissible, but it is sometimes a duty towards society when it is directed against a professional murderer." "The way of humanity leads over the summit of barbarism. This is just the law of necessity dictated by reaction. We cannot get around it, as we do not

wish to renounce the future. If we wish to design we must also wish the means; if we wish the life of the peoples we must wish for the death of their enemies; if we wish for humanity we must wish for murder." "It would be quite a new war policy if in the circus the panther permitted the buffalo to prescribe to him that he should defend himself with horns against horns, and that he should not immediately spring upon his back from behind. The buffalo militarism request that the revolutionists disarm to the skin, should march openly against him after declaration of war in *optimia forma militari*, with cannons and ammunition wagons, with cavalry and infantry, after the people had been disarmed. We do not suffer from such weakness; we say murder for murderers; save humanity through blood and iron, poison and dynamite."

The above are a few extracts from the translation of the article in question. It is impossible to read the whole article without deducing from it the doctrine that all rulers are enemies of mankind, and are to be hunted and destroyed through "blood and iron, poison and dynamite." It is no answer to the evil and criminal nature of this article to claim that it was written for the purpose of destroying crowned heads. It inculcates and enforces the idea that murder is the proper remedy to be applied against rulers. The fact that it was published fifty years ago and republished about fifteen years ago only emphasizes and gives added point to the criminality of republishing it at any time. It shows a deliberate intent to inculcate and promulgate the doctrine of the article. This we hold to be a criminal act. It is not necessary to trace any connection in this article with the assassination of the late President. The offence here, in the eye of the law, is

precisely the same as if that event had never occurred. The murder of the President only serves to illustrate and illuminate the enormity of the crime of the defendant in teaching his diabolical doctrines.

Such articles and doctrines have no proper place in this free country. They stimulate the worst possible political ideas and passions, and, carried to their logical conclusion, would destroy the government. It was said by a distinguished English judge, in the celebrated Somerset slave case, that "No slave can breathe the free air of England." It would be well if the laws of this country were such that it could be said truthfully that no anarchist can breathe the free air of America.

New York, October, 1901.



**LETTERS OF JUDGES AND OTHERS, 1861**



Albion, May 22, 1861.

Learning that Mr. E. B. Hinsdale, of Le Roy, is about to remove to New York, it gives me great pleasure to recommend him to the favorable notice of the bench, the bar, and the public generally, of that city. I have been acquainted with Mr. Hinsdale since I have had a seat on the bench of this district. As a lawyer he is well read and has attained a good standing in the profession, and I believe him to be a gentleman of good character and in all respects entitled to the respect and confidence of the community.

Noah Davis, Jr.,  
Justice Supreme Court.

Buffalo, May 22, 1861.

I fully concur in the above and cheerfully commend Mr. Hinsdale to the favorable consideration and confidence of any who may have occasion for business relations with him.

James G. Hoyt,  
Justice Supreme Court.

Warsaw, May 22, 1861.

Having been informed that E. B. Hinsdale, Esq., of Le Roy, contemplates removing to the city of New York with a view to the practice of the law, I am happy to say that I have been well acquainted with him for several years; that he has tried several cases before me as a referee; that I regard him as a good lawyer and a gentleman of high standing and character. His habits are good in every respect. I have no doubt, from my knowledge of his legal abilities and attainments and industrious habits, that he will succeed well in the legal profession, and I cordially recommend him to the confidence and patronage of the profession and the public generally.

H. L. Comstock,  
County Judge of Wyoming County.



Rochester, May 23, 1861.

The bearer of this, Elizur B. Hinsdale, Esq., attorney and counsellor-at-law, now of Le Roy, Genesee County, N. Y., is well known to me. I am informed that it is his purpose to remove to the city of New York and enter into the practice of his profession there. He deserves success, and I believe will command it. He is a man of intelligence and honor, a good lawyer, of industrious habits, and worthy of the confidence of the community where he may reside.

In fine, he is a gentleman whom a cautious man may commend in highest terms without reserve, or fear of reproach.

John H. Martindale,  
Attorney and Counsellor-at-law.

Rochester, May 23, 1861.

I take great pleasure in stating that I have been acquainted with Elizur B. Hinsdale, Esq., formerly of Le Roy, Genesee County, for several years, and that he is a gentleman of high respectability and undoubted honor and integrity.

Mr. Hinsdale is about removing to New York to practise his profession, and I cheerfully recommend him to the favorable consideration of our brethren of the bar as worthy of the fullest confidence.

Jno. C. Chumasevo,  
Monroe County Judge.

Rochester, May 23, 1861.

I have met E. B. Hinsdale, Esq., frequently within the last four or five years, and have had opportunities to become considerably acquainted with him. I regard him as a young man of good character and standing, and of excellent abilities and promise as a lawyer. My best wishes will attend him wherever he may pursue the practice of his profession.

T. R. Strong,  
Justice of the Supreme Court.

Bank of Genesee, Batavia, May 23, 1861.

I have been acquainted with Mr. E. B. Hinsdale from his boyhood, and take pleasure in commending him to the confidence of any person desiring his services. I have no doubt he will prove himself worthy of any trust that may be confided in him, and will diligently and faithfully attend to any business committed to his care.

H. U. Howard,  
President.

Batavia, May 25, 1861.

I have this moment been informed that Elizur B. Hinsdale, Esq., of Le Roy, in this county, contemplates an early removal to New York to engage in professional business. I take great pleasure in recommending Mr. Hinsdale to the favorable consideration of the bench and bar in that city. Mr. Hinsdale is a young man of good business habits, and has made good proficiency in his profession. I have been acquainted with him from his first entering the profession, and recommend him as an industrious and thorough business lawyer of irreproachable character, and a gentleman in his manners, and possessing a high order of talents. May he be abundantly successful.

Very respectfully,

Moses Taggart,  
County Judge of said County and former  
Justice Supreme Court.

Genesee County Bank, Le Roy, May 28, 1861.

For sixteen years I have known E. B. Hinsdale, Esq. Have frequently met him socially, and had numerous business transactions with him, and know him to be a pleasant, reliable friend, a man of undoubted integrity, and believe him to be the best lawyer of our county. In the transaction of law business he is prompt, energetic, and successful.

Respectfully,

S. T. Howard,

Cashier.

Jamestown, May 31, 1861.

I have been acquainted with Mr. E. B. Hinsdale, a member of the Genesee bar, for several years, and from the commencement of his practice. He is a young gentleman of good abilities and well read in his profession. He possesses great industry and perseverance, as has been often shown by his briefs and arguments, and I do not hesitate in commending him to the confidence of all who may make his acquaintance. He is, I understand, about to commence business in the city of New York. He is at liberty to show this to the judges, the profession, and others in that city.

Respectfully,

R. P. Marvin,  
Presiding Justice Supreme Court, Eighth District.





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